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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHAW).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 2, 2004.

I hereby appoint the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend David Lauer, Campus Minister, Lakeland College, Sheboygan, Wisconsin, offered the following prayer:

O Lord and Maker of us all, whose light shines upon us all and whose guidance is for all, we humbly ask that Your grace rest upon this House today and that Your will be done here today.

For we acknowledge and thank You for all the blessings we share, especially the freedom we enjoy as Your children day by day, and the joy of living together as one family, and for Your care and keeping in all times and in all seasons.

Bless now Your servants in this place. Bless and lead them as they care for one another, for this land and for Your world. With Your mercy and Your love, bless and guide each Member, that in all things today, they might add to the beauty and peace of Your world and thus add honor and glory unto Your holy name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arkansas (Mr. BERRY) come forward and lead the House in the Pledge of Allegiance.

Mr. BERRY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNIZING THE REVEREND DAVID LAUER

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, I am pleased to recognize one of my constituents who is serving as our guest chaplain today, the Reverend David Lauer. Reverend Lauer is the campus minister and Marjorie and Richard D. Leach Professor of Theological Studies of Lakeland College in Sheboygan, Wisconsin. At Lakeland, he teaches in the areas of Old and New Testament, liturgy, contemporary ethics and contemporary theology. Reverend Lauer just completed his 36th year as coach of the men's varsity tennis team and has been inducted into Lakeland's Athletic Hall of Fame.

David received his bachelor of arts degree from Heidelberg College and his master of divinity degree from Eden Theological Seminary. He will celebrate 40 years of marriage to Lynne Jenkins next year.

I know my colleagues join me in welcoming Reverend Lauer to the House today.

LIFETIME LEARNING

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, strong economic news can be found wherever we look these days: 337,000 new jobs created in March; another 288,000 in April. May numbers due out at the end of this week are expected to be good, but numbers alone do not paint the picture of the economy that we are trying to build. That is why the summer economic agenda in the House, the Careers Initiative, is about much more than numbers.

This week, we will take on the third component of the Careers Initiative: lifelong learning. When people have access to training and higher education, they can acquire skills and expertise in new and more valuable technologies and improve both their stability and mobility.

They cannot only provide for themselves and their families in the short term but can find the kinds of jobs that will give them and their families security for the future. In other words, Mr. Speaker, lifelong learning can be the difference between having a job and having a career.

The difference may seem small, but it could not be more important. A job is for survival in the here and now. It is something you do for a paycheck to make ends meet. A career, on the other hand, is for the future. It is long-term security for you and your family. It pushes you to get out of bed in the morning and inspires you with a sense of purpose and the feeling that you are making a contribution, and it is something that stays with you your entire life, not just until you punch out at the end of the day.

Through reforms in the Higher Education Act and the new, innovative Worker Reemployment Accounts we will take up this week, the House will help Americans not only make the transition from welfare to work but from jobs to careers.

Lifelong learning is a noble undertaking, Mr. Speaker, and it is more

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valuable than any numbers could ever show. The men and women who work to get it are heroes and deserve our help to help themselves.

DRUG COMPANIES STEAL AND ROB FROM OUR SENIOR CITIZENS

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, in the 1st Congressional District of Arkansas, the greatest health care problem we have is the fact that this government, this Congress, this majority, this President has made it possible and even more able for the drug companies to steal and rob from our senior citizens. It is an incredible act, the Medicare reform that was passed. That is the only thing it accomplished, was make it possible so that the drug companies could continue to rob and steal from the American people.

In Arkansas, we usually think of thieves as coming in the dark of night or committing a violent act to steal your property, but now, because of the Medicare Reform Act and these Medicare cards, we have made it possible for the drug companies to steal, cheat and rob our senior citizens without hardly putting out any effort, and we have created so much confusion that it is an easily accomplished act. It is time to put an end to this.

ENERGY REFORM LEGISLATION

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, last week, an article in Biofuels Journal stated that, according to a new report by economist John Urbanchuk, motorists would be facing much higher gasoline prices, an additional 30 cents per gallon, were it not for the growing ethanol industry adding billions of gallons to U.S. fuel supplies.

Without ethanol, our country would be even more reliant on foreign imports of gasoline, and the pain at the pump would be much more severe. More than 30 percent of all U.S. gasoline is blended with ethanol. Without ethanol, refiners would be forced to import about 217,000 barrels per day of high-octane, clean-burning gasoline blending components.

Over the last 25 years, while no new U.S. refineries have been built and scores have been closed, 78 new ethanol plants have been built and 10 more are under construction today.

Ethanol use will bolster U.S. gasoline supplies by more than 3.3 billion gallons in 2004 alone.

We need the Senate to pass H.R. 6, the first comprehensive energy legislation Congress has put forth in years. It will increase our use of renewable fuels like ethanol and biodiesel and reduce our continued overdependence on foreign oil.

VETERANS 2006 CUTS

(Mr. ROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSS. Mr. Speaker, this past weekend our Nation came together and honored the thousands of veterans who have dedicated and sacrificed so much to protect our national security. I had the privilege and honor to join World War II veterans here on our Nation's Mall in Washington, D.C., for the dedication of the World War II Memorial, to honor them and their many contributions to our great democracy and, yes, to remember the 400,000 who died during World War II.

At a time when a new generation of veterans is being created in Iraq and Afghanistan, there are some in Congress who want to cut funding for veterans. The administration's proposed budget for 2006 would cut $900 million from the Veterans' Administration. A loss of $900 million would force the VA to disenroll 140,000 veterans and lay off about 10,750 full-time employees, among many other things.

It is all about priorities. We must keep our promises to our veterans.

PARTIAL BIRTH ABORTION BAN

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, yesterday a Clinton-appointed Federal judge in California granted a permanent extension or injunction against the partial birth abortion ban that was passed by the Congress and signed by President Bush. This is not surprising, since Judge Phyllis Hamilton made it crystal clear that she was ideologically opposed to the ban on partial birth abortion. What is outrageous and defies sound reason is that she found the ban unconstitutional.

In acting to prevent this hideous practice, the elected branches of our government affirmed a basic standard of humanity, the duty of the strong to protect the weak. Partial birth abortion is cruel and inhumane. This is the widespread agreement amongst men and women on this issue, regardless of their political affiliations.

Life cannot be granted or denied by government, elected officials or judges abusive of their interpretive function. Judge Hamilton's ruling is yet another example of activist courts gone wild and is the next decision in the domino effect of legislating from the Federal bench.

I join with our President and will vigorously defend this law against judges who would construe it in contravention to our Constitution and the American public.

AFFORDABLE PRESCRIPTION DRUGS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, yesterday, the Health and Human Services rolled out a new Medicare drug card. Yet, today, seniors across America are still wondering when we in Congress will take real steps to help them afford the drugs they need and are prescribed.

The manufactured chaos, confusion and consternation all could have been avoided. This mess was created by their government and by the special interests, but we have an opportunity to open markets and allow for importation of safe, affordable drugs from Canada and Europe, where prices are 50 percent cheaper than they are here in the United States; real competition to bring prices down, not competition by the special interests between themselves, but competition that allows seniors the choice to pick on affordable prices that are 50 percent cheaper than what they are in Canada and Europe. We need that competition here at home.

A Families USA study showed that seniors in America pay four times the rate of inflation for prescription drugs. Prices have gone up 22 percent in the last 3 years alone.

This discount card is just like a sale at Neiman Marcus. Prices get jacked up 30 percent right before they offer you a 10 percent discount. We need to allow seniors access to affordable drugs their doctors prescribe.

WE HAVE PROGRESS IN IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, amidst the violence and struggle that always attends the transition between tyranny and liberty, we have progress in Iraq.

Yesterday, a Shiite Muslim, part of a population that suffered for 30 years under the iron fist of Saddam Hussein, a Shiite Muslim, Iyad Allawi, was named prime minister along with Ghazi al Yawar, a Sunni Muslim, and those two men will lead a free and democratic Iraq.

Mr. Allawi said memorably, in this country that was torn by tyranny for three decades, that he was pledged to establishing a democratic and federal system under which people enjoy free citizenship in a state of laws and freedom. A quagmire, hardly. Difficult, yes. But an ethnically diverse country coming together under the rule of law and democracy is genuine progress in Iraq and worthy of celebrating in this Congress.

PRESCRIPTION DRUGS

(Ms. SOLIS asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, I raise my voice this morning in concern about the new Medicare prescription drug card that took effect yesterday.

Last week, I visited numerous senior centers in my district to learn that many of those in my district are very confused because they do not have basic information about the program. The low-income seniors I met with are especially frightened because the information was not provided in their language, many who speak Spanish and many who speak Chinese.

□ 1015

There are 7.2 million low-income seniors whose needs are being ignored, yet the cost of medication is up 27 percent according to AARP.

Additionally, pharmaceutical companies and lobbyists spent $2.7 million to pass this legislation. Plus, the new Medicare law hurts seniors because a stringent and complex asset test is now in place, prohibiting many seniors in my district from taking full advantage of this program. They are even concerned about their burial plots, that that is going to be used against them.

How dare we implement such legislation. My seniors ask me, Congresswoman, who is there to protect me? We voted for the Congress to protect us. Where are they when we need them? Who is looking out for us?''

ONE STEP CLOSER TO SOVEREIGNTY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, yesterday was a big day for Iraq. As The Washington Post reports this morning, ''A diverse group of secular figures, political independents, and technical specialists was appointed Tuesday to serve as Iraq's caretaker administration.''

As we come to the turnover of sovereignty to this government, we must keep in mind how important our effort in Iraq is. A free Iraq would be a death blow to the terrorists. For too long the people of this region have had no say in the direction of their nations. On June 30, we move one step closer to seeing a nation choose its own course.

The President has been a firm, steady leader during this trying time. He has rightly said that we have not freed Iraq to make them into Americans; we have freed Iraq to allow them to live in freedom. Iraq has the potential to be a great ally in the Middle East. Success there is critical.

THE ECONOMY

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, a moment ago we heard the majority leader say that numbers alone do not give the full picture about the economy. Well, I could not agree more, with the spiraling deficit, more tax cuts for people who are already well off, the refusal of the President and the Republican leadership to fund the No Child Left Behind initiative, or ignoring the promises of candidate Bush to enhance Pell Grants, along with a refusal to tap unemployment insurance funds to help the long-term unemployed.

Americans understand that numbers alone do not give the full picture about the economy. But what I find, meeting with the long-term unemployed in my community, they are looking at misplaced priorities and broken promises; and they, like most Americans, do not like what they see.

THE NEED FOR AN ENERGY POLICY

(Mr. COLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLE. Mr. Speaker, I rise today to discuss the greatest threat to the economic recovery now under way, rising energy prices. Since 2001, the price for a gallon of gasoline has increased by 52 percent, U.S. oil imports have increased by more than 10 percent, the cost of natural gas by more than 92 percent; and Alan Greenspan has repeatedly testified that energy prices are the single greatest threat to job creation.

Mr. Speaker, to meet our growing needs and address these rising energy prices, this House has passed comprehensive energy legislation three times. All three times it has been blocked through legislative obstruction in the other body. This obstruction hurts America. To oppose the President's comprehensive energy legislation while calling for more domestic energy production and lower gasoline prices is hypocritical beyond belief.

Mr. Speaker, for too long America has relied on other nations to provide the raw materials for our energy needs. It is time for us to move towards self-reliance so we are not susceptible to the threats, blackmail, and production fluctuations from abroad. The Congress must move forward with a responsible energy policy. Voting ''no'' for the energy bill is not an energy plan for America.

NEGATIVE CAMPAIGN ADS

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, here we go again. Republicans cannot lead, so they attack the Democrat that will lead America. Here is the proof:

Through the last weekend, the President's campaign has aired 49,050 negative ads against JOHN KERRY, and that is just in the top 100 media markets. 49,050 times the administration has tried to mislead America about Senator KERRY; 49,050 times the administration has tried to divert America from the administration's absolutely incompetent record on the economy.

Gasoline in Washington State is $2.75 a gallon. I did not miss that because of the ads. There are countless more negative ads coming from the Republicans because they only know how to tear down, not to lead. JOHN KERRY will lead and win this election. JOHN KERRY will lead and build a stronger America. It starts on November 2.

Meanwhile, America, every time the administration turns on another ad, get up and go to the kitchen for a bag of Fritos. You will not miss a thing.

DRUG DISCOUNT CARDS

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RADANOVICH. Mr. Speaker, never before have American seniors been able to go to one place to price, shop, and compare their prescription drug options. America's seniors are now eligible to receive a Medicare-approved drug discount card at their local pharmacies to save between 10 and 40 percent off the price of most drugs, particularly generics.

It is important to mention the Department of Health and Human Services is the authorized distributor of these nationwide-accepted prescription drug cards. Seniors should be sure that the cards they acquire are approved by the HHS.

Millions of low-income seniors will receive an additional $600 on their discount card to help pay for prescription drug medicines. Any unused amount of the $600 credit in 2004 will carry over to the next year.

The competition between organizations offering cards will also help drive down prices. It is time to afford the Greatest Generation the quality prescription drug coverage that they deserve.

JOB TRAINING

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, since President Bush took office, 2.2 million Americans have lost their jobs. Americans are suffering through the longest unemployment period in 20 years and the most dismal job picture in almost 40 years.

And what is the Republican leadership doing about it? Having the House vote on tired proposals for job-training vouchers that do not actually create jobs for the millions of Americans who are out of work. Unemployed Americans need jobs and benefits immediately so that they can provide for

their families. They do not need training vouchers for jobs that do no exist.

Democrats have offered proposals that will create real solutions for Americans. We have proposed a highway bill that would create 1.8 million good-paying jobs more than the Republican bill. Democrats have also proposed enacting tax bills that will keep manufacturing jobs here in the U.S. and end incentives for shipping jobs overseas.

Americans also need Congress to extend tax cuts for the middle class, such as a child tax credit, without adding to the deficit. These are real solutions that create new jobs for out-of-work Americans and keep existing jobs at home.

We should be voting to pass these meaningful solutions to unemployment in this country and not wasting our time on gimmicks.

BUSH ECONOMIC BOOM IS IN FULL SWING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in this past Sunday's Washington Times, the highly revered economist Lawrence Kudlow spelled out very clearly how President George W. Bush's strong economic policies have produced a sustained surge in the economy.

Mr. Kudlow rightly said that ''over the past year, following the enactment of the President's tax cut plan, real economic growth has increased 5 percent with only 1.6 percent inflation. After-tax profits have increased 37 percent. Business spending on equipment and software has grown 12.5 percent. Since last August, 1.1 million jobs have been created. Spendable income has increased 4.9 percent, and consumer spending is up 4.3 percent.''

Indeed, not since Ronald Reagan was President has our economy grown faster. There can no longer be any question what effect lower taxes have on the economy. When Americans have more of their own money to spend and invest, the economy soars.

President Bush should be proud that despite the battles he faced in making these tax cuts a reality, his vision for more jobs and a prosperous America has come true.

In conclusion, may God bless our troops, and we will never forget September 11.

PHARMACEUTICAL INDUSTRY ON THE TAKE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Well, the pharmaceutical companies have a friend in the White House. Since George Bush has been President, pharmaceutical prices have gone up five times as fast as the cost-of-living adjustments for Social Security, five times faster than inflation, and now we have passed the phony prescription drug benefit under Medicare that provides these bizarre discount cards which put all the obligation on the seniors and none on the pharmaceutical companies.

They jacked up the prices of the most common drugs taken by seniors by up to 30 percent in the last year. Now they are going to give them a 15 percent discount. Just like the used car dealer, he jacked up the price 2,000 bucks before you walked on the lot, and then he says, I will give you a $1,000 discount. Hey, what a great deal.

That is what is being done to America's seniors under the leadership of this President and the Republican leaders of this House who are in the pocket and on the take from the pharmaceutical industry.

DEMOCRATS' PRESCRIPTION DRUG PLAN WOULD COST MUCH MORE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, we have heard all about the prescription drug card being available this month for the most disadvantaged, but there has been some discussion about how much this prescription drug benefit costs and whose estimates are the best estimates.

The Democrats are saying this program costs way too much money. But, Mr. Speaker, remember last year they introduced their own Medicare prescription drug benefit plan? Theirs would have cost $1 trillion. Luckily, we passed a more responsible yet critical bill that offers prescription drugs for our seniors for a lot less than what the Democrats proposed. Yet in the last few weeks, the Democrats have been complaining that the Republican plan is too expensive and that we should take prescription drug coverage back from our seniors.

Let us not forget the Democrats support a candidate for President who has proposed a health insurance plan that would cost the Nation almost $1 trillion. So there it is.

How come the Democrats complain about the cost of the prescription drug plan when they and their standard bearer want to spend much, much more?

STATISTICS ON THE STATE OF THE ECONOMY

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, I would like to read a few statistics on the state of the economy.

America's economy grew at its fastest quarterly rate in 20 years, a positively sizzling 8.2 percent. Manufacturing activities have risen to their highest level in nearly 2 decades. Worker productivity is near a 20-year high. More folks than ever before own their own homes. Inflation, interest rates, and mortgage rates are near historic lows. Last month marked the ninth consecutive month of increased employment. The jobless rate is below the average for the 1970s, the 1980s, and the 1990s.

But one American out of work is one too many. So today, we will try to empower those who want to work by creating personal reemployment accounts to give these folks the help and the incentives they need to find jobs. Real help for real families, that is what this Republican-led Congress is all about.

REPUBLICAN PRESCRIPTION DRUG DISCOUNT CARD PROGRAM

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, the prescription drug benefit addition to Medicare, which was passed by the Republican Congress, Republican Senate, and signed by the Republican President, mostly over Democrat objections, has four aspects we need to remember:

Number one, this very popular program, endorsed by the AARP and most senior groups and health care groups, starts officially in the year 2006.

Number two, it is voluntary.

Number three, it reduces the cost of prescription drugs by approximately 50 percent after the premiums and the deductibles are met. It is about a 50-percent reduction, not as much as many would want; yet it is still affordable.

Number four, effective yesterday, June 1, many seniors, and those who voluntarily have decided to buy a prescription drug card similar to this, will enjoy a 20 percent discount on their drugs.

That means that my mom and dad, and yours too, perhaps, can start getting about a 20 percent discount on Glucophage or Lipitor or whatever prescription drug they need. All they need to do is dial 1–800 Medicare or www.Medicare.gov in order to see how they can immediately start saving 20 percent on their prescription drugs.

□ 1030

THE SHAME AND THE SHAM OF THE MEDICARE PRESCRIPTION DRUG BILL

(Mr. RYAN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Ohio. Mr. Speaker, I find it very interesting that the other side has taken this opportunity to talk about the Medicare prescription drug bill. Two provisions the Democrats

wanted to get in: one, reimport the prescriptions from Canada, drop the price in the United States of America and allow a free market competition; and, two, ask the Secretary of HHS to buy in bulk on behalf of the Medicare recipients, again dropping the prices. But the increased amounts of campaign contributions to this body has led to both of those provisions being absent.

The thing that Democrats are most offended about is not the cost. It is about the deceit. We were told $400 billion this program would cost. Actuaries were told not to release the real figures to Congress, and the real figures ended up being $140 billion more. That is the shame, and that is the sham.

PROVIDING FOR CONSIDERATION OF H.R. 444, BACK TO WORK INCENTIVE ACT OF 2003

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 656, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 656

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 444) to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work. The bill shall be considered as read for amendment. In lieu of the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 4444 shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 2. (a) In the engrossment of H.R. 444, the Clerk shall—

(1) await the disposition of H.R. 4409 and H.R. 4410;

(2) add the respective texts of such bills specified in subparagraph (1) as have passed the House, as new matter at the end of H.R. 444;

(3) conform the title of H.R. 444 to reflect the addition to the engrossment of the text of such bills specified in subparagraph (1) as have passed the House;

(4) assign appropriate designations to provisions within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition to the engrossment of H.R. 444 of the text of each bill specified in subsection (a)(1) that has passed the House, each such bill shall be laid on the table.

(c) If H.R. 444 is disposed of without reaching the stage of engrossment as contemplated in subsection (a), the bill specified in subsection (a)(1) that first passes the House shall be treated in the manner specified for H.R. 444 in subsections (a) and (b), and only the other bill specified in subsection (a)(1) that has passed the House shall be laid on the table.

The SPEAKER pro tempore (Mr. SHAW). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 656 provides for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. It also provides for an amendment in the nature of a substitute consisting of the text of H.R. 444 shall be considered as adopted.

Section 2 of the resolution provides that in the engrossment of H.R. 444 the clerk shall add the text of H.R. 4409 and H.R. 4410 as passed by the House.

Finally, the resolution provides one motion to recommit with or without instructions.

Mr. Speaker, 8 years ago, many of us stood in this very Chamber and passed one of the most sweeping policy reforms Congress has ever undertaken reforming our Nation's welfare system. We took a risk that day in 1996 in order to change a failing system that encouraged dependency and discouraged self-sufficiency.

The tangible results are clear. Since 1996, we have seen welfare rolls plummet from 14 million to 5 million. Thousands who for years found themselves trapped in a cycle of poverty today are holding down meaningful jobs, getting promoted, and saving for their child's education. It is time to be bold once again.

For the past several years, the tax policy we have enacted has created over 1 million jobs in the past 8 months, over half of those in the last 2 months alone. The economy grew more in the last 6 months of last year than it had in the previous 2 decades. That is remarkable growth, Mr. Speaker. But still more must be done. There are still many Americans out of work seeking meaningful jobs and rewarding careers.

Mr. Speaker, it is clear that when we enact legislation that removes the roadblocks to progress, progress is achieved; when we eradicate programs which foster dependency, we foster independence; and when we create an atmosphere where workers can attain the knowledge and skills to build strong and successful careers, then we empower those seeking a job with the ability to find one.

That is precisely what this plan will do by creating personal reemployment accounts. These new accounts offer an innovative approach to provide unemployed workers with the very tools they need to get back onto their feet and into a lifelong career. These accounts are designed to provide unemployed Americans additional flexibility, greater choice and more control over their employment search and to provide a reemployment bonus for those who find a job quickly.

Under this plan, an individual who is receiving unemployment benefits can access a personal reemployment account of up to $3,000. The personal reemployment accounts will be administered through the one-stop career centers. These centers are already offering assistance to those seeking employment. At these centers, people can use their personal reemployment account for up to 1 year for intensive services like unemployment counseling, case management and job training. Supportive services like child care, transportation, and housing assistance are also available. One-stop career centers are the embodiment of compassion for those who have lost their jobs due to no fault of their own.

In the ever-changing, dynamic global economy that we live in, it is natural that some businesses are going to downsize, fold up or restructure, resulting in the laying off of workers. Most of these employees are honest, hard-working people. They want to get back to work, they want to earn their paycheck, and they want to support their families.

In addition to extending a helping hand to those seeking a job, this plan prevents fraud and waste as well, which is important to the program's participants as well as to American taxpayers. Currently, individuals out of work are able to take advantage of the one-stop career centers for free. Now they will be encouraged to shop wisely, paying for those services that they truly need out of the funds in their new accounts. This prevents double-dipping and ensures that taxpayer dollars are spent wisely, effectively and efficiently.

But perhaps the best part of this reward-based plan is that individuals who access a personal reemployment account and find employment within 13 weeks will be able to keep the remaining balance as a cash reemployment bonus. They will get 60 percent of the balance at the time they are employed and 40 percent 6 months later if they are still in the job.

Mr. Speaker, this is a common-sense, innovative plan that will empower Americans to find new jobs. It is a plan that will provide out-of-work Americans with access to the resources they truly need: job training, child care, transportation services, or housing assistance, whatever that need might be for that particular individual; and it is a plan that reflects the Republican agenda of creating jobs and getting Americans back to work. I urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the customary 30 minutes.

Mr. Speaker, I am troubled by recent actions taken by the Committee on Rules and the possible consequences for this democratic body. Otto van Bismarck said, ''Laws are like sausages. It is better not to see them being made.'' Republicans on the Committee on Rules have devised and employed new ''sausage-making'' rules over the past several weeks. These rules take several bills, grind them up, and shove them into a new legislative casing and make a new bill.

H. Res. 638 provided for the consideration of three bills under the same closed rule, restricting the amount of time for floor debate and deliberation. Once the bills were passed, the rule required the bills be ground and repackaged as one bill.

H. Res. 645 provided for the consideration of five bills, again limiting the time for floor debate. Once the bills were considered and passed, the text of all five pieces of legislation were ground together to make one large bill to send to the other body. I would think that the parliamentarians of the House of Representatives would take some interest in what is going on here.

Today we are faced with a new device, a Frankenstein rule. Last night, the Republicans cobbled together bad pieces of rules, concocted a few other pieces, and then passed everything as one big monster rule.

The text of H.R. 444 is replaced with the text of H.R. 4444. None of the four amendments before the committee is in order, debate on the legislation is limited to 1 hour, and, outrageously, the rule appends the text of two unrelated bills, bills not considered by the Committee on Rules, just simply written in.

H.R. 4409 is on the suspension calendar, which would reauthorize title II of the Higher Education Act of 1965. H.R. 4410 is the Teacher Shortage Act of 2004, which would increase the amount of student loans which may be forgiven for highly qualified teachers in math, science, and special education. Now the merits of these legislative appendages have not even been considered by the Committee on Education and the Workforce, having held no hearings on it. And last night the Committee on Rules did not hear any testimony on either one of them.

When the rule was passed out, a staffer gave us a copy of the bills. We discovered whichever one of those two suspensions passes first will be cobbled into this bill we are doing today. The other one, I do not know what happens to it. I think it is tabled and forgotten about.

Mr. Speaker, it is destructive to us because we have no rules to go by any more. It does not matter what they want to do. Somewhere in the Capitol, people are devising byzantine and awful rules to shove down Members' throats.

This bill today, though, is really only a feel-good bill. There is no money authorized for it. It does nothing for the 1.2 million people who are unemployed and have lost their benefits.

Mr. Speaker, 8.2 million Americans are unemployed; and the unemployment rate remains the same. According to the Bureau of Labor Statistics, since December, 2003, the unemployment rate has been 5.6 or 5.7; and extended unemployment benefits expired last year. However, the unemployment trust fund has $20 billion in it. Congress simply refuses to allow the unemployed to tap into that money which is already there. Every dollar spent on unemployment benefits immediately creates more than $2 in economic growth.

Instead of using the billions of dollars that are already there untouched in the unemployment trust fund, this underlying bill creates a pilot program for personal reemployment accounts. The goal is to help people get back to work to provide $3,000 for job training, transportation and job search expenses. The fact that there is only one job for every three seekers is not considered here. The problem is it does nothing to create jobs. It trains people for jobs that do not exist, jobs which have been outsourced overseas. According to the Economic Policy Institute, these PRAs are a response to a problem that does not exist. The concept assumes there are plenty of jobs, but the unemployed workers are so comfortable getting $250 a week in unemployment benefits that they will not go back to work. So the problem is the failure of job creation, and these PRAs will be of no help. It is insulting to workers to believe they have to be given a grant to go look for work.

□ 1045

As I said before, over 1.5 million Americans exhausted their benefits, and they will not be eligible for this pilot program. If a person uses this PRA, he or she is no longer eligible to receive the benefits of other programs under the Workforce Investment Act, which can be worth as much as $10,000. Any money used from PRAs will be money used from WIA funds, because additional funds are not authorized for this program. Let me say that again. This wonderful program here to put people back to work has no money authorized for it.

Why are we not considering real help for the unemployed? This body should be passing legislation to extend unemployment benefits. I urge my colleagues to vote against this Frankenstein rule, so the House can act to help the millions of unemployed Americans and their families.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

(Mr. HAYES asked and was given permission to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, I first want to thank the gentlewoman from Ohio for yielding me time and then to thank the gentleman from Nevada (Mr. PORTER) and the gentleman from Ohio (Mr. BOEHNER) for bringing forth this very effective effort to help create jobs and grow our economy.

Every day I work to create jobs in the Eighth District of North Carolina. This is another in a long list of aggressive actions taken by this majority to work with people on both sides of the aisle for national security and economic security, which go hand in hand.

The Workforce Investment Act and the Personal Reemployment Accounts again are an effort in a long list of efforts by our majority to put people back to work, to create jobs, and to match job seekers with good employment opportunities.

Personal Reemployment Accounts will allow flexibility. They will create opportunities for people to get transportation, counseling, child care, relocation assets, whatever they need to become employed gainfully with good jobs paying good wages as quickly as possible. These are several of the reasons that I strongly rise in support of this rule and the underlying legislation.

Unemployment benefits are important, and I support them; but there is far more to our effort to create jobs and put people back to work than simply unemployment benefits. This is a step in the right direction. It gives us additional opportunities to help people get good jobs, to grow this economy, and to continue to fight and win the war on terrorism.

As we look every day at things that we are doing, this is one of the best and most effective ways that we can create jobs, strengthen our economy and help our people create the careers that they need to support their families.

Again, Mr. Speaker, I thank the leadership for bringing this forward, and I ask for strong support for the rule and the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I also rise in opposition to this closed rule and urge Members to defeat the previous question. This rule cuts off meaningful debate on real-world solutions to the real-world problems of American workers.

The underlying bill creates an unproven and risky job-training voucher program that does not address the main issues facing American workers. American workers need help now. Those who exhausted their unemployment benefits need Congress and the Bush administration to enact an extension of those benefits. The American

worker also needs new job opportunities.

Under this administration, 2 million jobs have been lost, 8.2 million individuals are unemployed, 1.5 million workers have exhausted their unemployment benefits, and wages have barely kept up with inflation. This bill does nothing to address these problems.

The gentleman from Ohio (Mr. RYAN) and I filed amendments to respond to the true needs of American workers. The Committee on Rules blocked both of these amendments.

When I go to the Committee on Rules recently, I am reminded of what Dante had engraved above the gates of Hell in his ''Inferno.'' Engraved there was: ''Abandon all hope, ye who enter here.'' I have not been given an amendment up there, by the present committee and I have been here quite a few years.

The amendment to be offered by the gentleman from Ohio (Mr. RYAN) would have allowed local communities to hire and train first responders. This amendment would have created jobs, while also protecting our villages and towns from security threats. My amendment would have extended unemployment benefits for those who have exhausted their initial 26 weeks.

Both of these amendments are critically needed if we are to ensure that American families can provide for their own financial security. I urge Members to defeat the previous question so we can have a full and open debate on the Ryan amendment. If the previous question is not defeated, I urge opposition to this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 4 minutes to the gentleman from Nevada (Mr. PORTER), the author of this very important legislation.

Mr. PORTER. Mr. Speaker, I rise in support of the rule for H.R. 444.

Mr. Speaker, I am proud of this legislation because it impacts the families and children of Nevadans, but also those families across the country. But Nevada-specific, right after 9/11, we experienced almost 100,000 people that were laid off in a short period of time. What we have learned since then is with the resilient business community working with this Congress and its leadership on getting people back to work, we are now back to about 4.3 percent unemployment.

Nevada is a bellwether for the economy and how strong it is becoming, because people are coming back to Nevada in droves. But, more importantly, what we learned in that tragic time right after 9/11 is that we can no longer do business as usual when it comes to unemployment. We need to find a flexible way to approach these families to help them get back to work.

This program provides for flexibility. More importantly, it is voluntary. Families can use this for many uses, from transportation for getting to the job, maybe even for those families that need a telephone to be put in their home. Maybe they need to learn a new language. Nevada is one of the fastest growing States in the country. With 5,000, 6,000 or 7,000 new people a month, it has one of the fastest growing Hispanic populations in the country. This program can be used to help train and help these families adjust.

Mr. Speaker, this language, as I said earlier, is voluntary. Each State can make a decision. It is a pilot program. States can choose. Why not allow these families to use this program?

I have heard our colleagues across the aisle say that these families and individuals do not need more training. I am sorry, I disagree. They need a new approach to unemployment, they need additional benefits, and they need additional help; and I encourage everyone to support the rule and H.R. 444.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentlewoman from New York for yielding me time, and I also thank the gentlewoman from the Buckeye State for her comments as well.

I am rising here, Mr. Speaker, to urge a ''no'' vote on the previous question. As the gentleman from Michigan (Mr. KILDEE) said, there are several amendments here that we wanted to get in to this that were not allowed.

One of the amendments obviously offered by the gentleman from Michigan (Mr. KILDEE) was to extend unemployment benefits. We have thousands of workers in the State of Ohio who have exhausted their unemployment benefits and need help. These are people who are locked out, these are people who are unemployed, these are people who cannot afford to go back to a job that pays $6 an hour. We hear a lot about job creation, but the jobs that we are losing are $20 an hour with health care benefits. The jobs we are gaining are $6 an hour at Wal-Mart.

One of the amendments, the Ryan amendment, would request an authorization of such sums as necessary from 2004 to 2009 for on-the-job training opportunities for medical and safety occupations, police, firefighters, rescue personnel, paramedics, medical personnel. This money would go to the Governors. The Governors would be able to use 75 percent of it in a formula based on population, based on the need as well, with 20 percent of the money being discretionary, to go for first responders.

This would be an economic stimulus for local communities in many places like the State of Ohio that could use this economic stimulus. Many of the cities, municipalities, townships, and counties would be able to take this money, use it for training and be able to hire more and, therefore, provide a direct economic stimulus.

There is also another debate I think that is going on here, and I think it is a debate that the American people need to hear and need to participate in. Basically, after 9/11 there were two philosophies. One we are exercising now with the war in Iraq, over $200 billion being spent over there.

But there was another philosophy that did not get much hearing. There is also another idea that we had here, and that was take some of those billions of dollars that we have been spending in Iraq and invest that to batten down the hatches in the United States of America. More money for first responders, police, fire, Border Patrol; more money into the intelligence community; hire people who speak Farsi that can infiltrate some of these camps. I think it becomes a choice between hiring police, fire and military personnel in Iraq, or hiring police, fire and medical personnel here in the United States of America.

I think this would have been an opportunity for us to provide a direct economic stimulus and change course a little bit by investing here and protecting the civil defense, the homeland security. I think that would have been a better way to go.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), my dear friend and colleague from the Committee on Rules.

Mrs. MYRICK. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me time.

Mr. Speaker, I rise in strong support of not only this rule but the underlying bill, because as the economy continues to improve, it is important that we as Congress continue to help to provide incentives for those Americans who are still looking for work.

I spend the majority of my time in my district working on economic development and job creation. This is the Ninth District of North Carolina, and providing worker re-employment accounts is a phenomenal tool that the folks in our district and, of course, all across the country can use to help them get back to work.

As we have already heard this morning, these accounts are flexible, and that is the key. Flexibility is so important, because the workers can use the money for career counseling, for transportation, child care, job training, or housing assistance. Wherever the need may be, they can use that money. If they find employment within 13 weeks, they get to keep the balance of the account as a bonus.

It is important to the American people to know that we have not lost sight of the fact that there are still a lot of them out there looking for work and that times have been tough. We have been hit particularly hard in my district because of all of the textile jobs lost over the last few years. So it is very important, again, for my district, for the State of North Carolina, and other areas that are experiencing the same problems that we pass this bill.

Mr. Speaker, I urge my colleagues to vote ''yes'' on this rule and ''yes'' on the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I thank my friend from New York for yielding me time, and I rise in opposition to this rule.

Over the last several years, we have lost 2 million jobs in the country. Over the last several weeks, we have heard that there are new and grave terrorist threats to our trains and a number of individuals are free in the country threatening to blow up buildings and do other acts of terror.

The gentleman from Ohio (Mr. RYAN) has an excellent idea that addresses each of those two problems. His idea is that we authorize enough money so that we could train and recruit and hire 100,000 first responders to be deployed in our cities and our States and our communities across the country. We would be stronger at home against the terrorist threat, and we would put 100,000 people to work in the process in skilled jobs with good benefits.

Now, I think this is an excellent idea. But what is wrong about what the House is doing today is we are not even going to get to debate this idea or discuss it or vote on it. The majority has put forth a plan that they say will help the unemployed. I emphatically disagree that it will, but it is their right to bring that plan forward. It should be our right as the minority to bring our plan forward.

The gentleman from Ohio (Mr. RYAN) has an excellent plan. If you vote against the previous question, you will give us the chance to debate and vote on the very excellent plan offered by the gentleman from Ohio (Mr. RYAN). I would urge a ''no'' vote on the previous question for that reason.

□ 1100

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in opposition to this closed rule to deny a fair and open debate on the real needs of American workers.

Once again we see the Republican leadership shutting down the ability of the House for Members to debate and offer amendments to change the course of lives of American workers, to alter the legislation that comes before us that is really nothing more than a sham. It is a fig leaf to try to present to the American people that somehow the Republican majority cares about the unemployment when, in fact, what we see is we have 8.2 million people unemployed, we have 1.5 million workers who have exhausted their unemployment benefits, people that no longer have the economic resources to hold their families together because they have been unemployed over 26 weeks. Those people are out there.

Speaker after speaker on the other side of the aisle has gotten up and lamented the level of unemployment in their district, and yet they refuse, they refuse to allow this Congress to address extending unemployment benefits to those people who they admit cannot find jobs in their district because of the economy, because of the layoffs, but they are going to let those individuals crash to the floor, lose their homes, lose their automobiles, make their chances of getting unemployment even more difficult because they refuse to bring up a bill to extend unemployment benefits. That is what the Republicans are offering.

What are they saying here? They want to offer a bill that says you may get up to $3,000. Well, one of the things we just learned in the most recent memo from the White House is they plan to cut all of these programs in the next budget year, and so this promise is not worth the paper that it is written on. It is up to $3,000. You may not get $3,000. You may get $1,000. It may not pay for the job searches that you are doing or the training that you need. But the Republicans want to suggest for those 8 million unemployed out there, for those 1.5 million workers who have exhausted their benefits, for the 2 million people who lost their jobs since President Bush took office, that somehow this legislation is going to deal with their problems. This legislation in no way deals with their problems.

The gentleman from Ohio (Mr. RYAN) and the gentleman from Michigan (Mr. KILDEE) went to the Committee on Rules, and of course they were shut out. Because the Republicans are afraid of debate on unemployment, Republicans are afraid of debate on the homeland security and the employment of first responders to deal with the needs of this country. So what do they do? Rather than honor the tradition of the Constitution, rather than honor the traditions of this institution, they just close down the debate: Take this bill or leave it.

Well, this Congress ought to leave this bill, because it does not do anything for the unemployed, and it certainly does not help those people who are most desperate in our country, who have found themselves long-term unemployed and their benefits have run out. This is the first administration in decades that has refused to help those individuals who have exhausted their unemployment benefits.

It is unfortunate that we are in this situation. We should be able to consider the Kildee amendment on unemployment benefits, we should be able to consider the Ryan amendment to hire first responders to deal with the security needs of this Nation, but this Republican majority will not allow that. I would urge people to vote against the previous question so we would have an opportunity to vote on the Ryan amendment and do something for this country, for the unemployed, and for the security needs of this country.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, it is absolutely important that we improve our current unemployment system, but not this way, not taking away from it, not with this legislation that falls far short of what we need in this country. We can do better. Why are we not? Because we refuse to bring the subject to the House Floor to discuss it. That is why I urge my colleagues to join me in opposing this closed rule and the underlying legislation.

Mr. Speaker, it is about time we address unemployment, and the Back to Work Incentive Act does not do anything but offer a temporary solution for a limited pool of unemployed workers, and it is a very poor solution to an ongoing problem. Personal reemployment accounts will not substitute for the lack of across-the-board investments in the Workforce Investment Act and the Unemployment Insurance Act. Improving the resources in these programs could help a broader number of workers stabilize their lives, could help develop the necessary skills that they need to secure new jobs. And I want to remind all of my colleagues that if we would invest in our Nation's transportation infrastructure, we would be providing jobs that pay a livable wage and we would be leaving with our communities infrastructure projects that they desperately need.

Actually, I am also concerned that this bill is an effort to make unemployment benefits the sole responsibility of the States and that it will eventually lead to the end of Federal unemployment programs. The cap on funds through the PRA system also alarms me. While it sounds great to give unemployed workers up to $3,000, ''up to,'' those are the operative words, this cap is far less than most workers already receive with unemployment extensions, leaving them without the funds they need when they are in the most desperate situation.

Vote no on this rule and no on the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman from New York for yielding me this time.

Mr. Speaker, it would be nice to come on the floor of the House and celebrate legislation that provides a cash sum to alleged unemployed individuals, that provides them with transportation dollars and cash money for child care and job training, and it really sounds like this is Christmas in June. But, frankly, Mr. Speaker, this does not answer the question of the chronically unemployed, it does not answer the question of those who need extended unemployment, and it certainly does not answer the question of people who are frustrated with the idea that there are no jobs.

We realize that, though the economy is percolating, this administration has not created jobs; and my complaint is, in a community like Houston, Texas, that has suffered under the unfortunate and bad circumstances of Enron where I had 2 years ago over 5,000 employees laid off, who still remain unemployed or under-employed, this is not a panacea. It would be very helpful if we would come together in a bipartisan manner and begin to look at the real unemployment problems of America. That means the constant and ongoing training for outsourcing jobs across the waters and, as well, not providing definitive unemployment benefits for those who are seeking employment.

For this job bill to suggest that people do not want to work is an absolute insult. Because Americans do want to work. They are producers, they are creators, they like to invest their time. What we need to do in this body is to really respond to those unemployed Americans by extending their unemployment benefits and not providing these cash handouts that will only go to a few.

Let me also say, coming from Houston, how tragic it is to realize that even though we thought we swept out the last of the last of Enron, what an enormous insult to wake up this morning and find tapes now that are suggesting that it was only a game and that it was all about Grandma Millie, and that is what the traders were doing.

Mr. Speaker, I would hope we would spend less time putting forward bills that do not help all jobless Americans and begin to sweep out the bad apples in corporate America and begin to insist on the creation of jobs and also to pay the unemployment benefits of the thousands and millions of Americans who get up every morning and really want a job. That is what this Congress should be doing, and I would ask my colleagues to realize that that is what we need to be doing today.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 5 minutes to my last speaker, my colleague, the gentleman from the great Buckeye State of Ohio (Mr. BOEHNER), the distinguished chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I thank my colleague, the gentlewoman from Ohio, for yielding me this time.

Tomorrow, we will consider a bill that is integral to helping return more Americans to work, the Worker Reemployment Accounts Act. As President Bush has said, one American without a job is one too many. This legislation provides a unique approach to helping displaced workers return to good jobs. The bill offers new assistance for unemployed workers in the form of personal reemployment accounts which would help workers who need it the most return to work more quickly.

The Worker Reemployment Account Act is one piece of a larger effort to solidify the future competitiveness of America's workforce by improving education and job training. Later today, we will consider two bills aimed at strengthening teacher training and increasing the availability of highly qualified teachers in high-demand subject areas. These bills, which will be packaged with the Worker Reemployment Accounts Act under this rule, represent a comprehensive strategy for strengthening education at all levels and improving job training.

With 1.1 million new jobs created over the last 8 months and 625,000 net new jobs added just in March and April, it is clear that our resurgent economy is moving on the right track. Indeed, almost every economic indicator tells us the economy is adding momentum every month, and manufacturing jobs have been on the rise for 3 straight months as well. The unemployment rate fell to 5.6 percent in April, lower than the average unemployment rate during the 1970s, 1980s, and the 1990s.

Despite these encouraging signs, we need to do more to help displaced workers get back on their feet, and it is clear that job training and worker education is more important in today's changing economy than ever before. We want to give workers a hand up, not just a handout. Self-sufficiency and independence from Government is every American worker's goal, not dependency and endless reliance on our government. We recognize this fact, and personal reemployment accounts represent one more way we are helping the unemployed get back on their feet through personalized job training and employment services specifically tailored to meet that person's own needs.

The Worker Reemployment Accounts Act is an innovative approach to helping workers find good-paying jobs. The bill authorizes funding for a pilot project similar to the one proposed by President Bush earlier this year that would provide workers with personal reemployment accounts up to $3,000 to purchase employment-related services to help them find a good job. The bill does not authorize a specific dollar amount for the pilot program but simply makes reemployment accounts an allowable use of funds under the demonstration programs of the Workforce Investment Act. The President requested $50 million for this demonstration program, and I am sure Congress would fund it appropriately.

This is an efficient and flexible approach that empowers Americans to find good-paying jobs. The funds from these accounts can be used for a variety of employment-related services, including job training, career counseling, transportation assistance, child care, and housing assistance.

One of the best elements of the plan is that any unspent balance in the account can be kept by workers who find work within 13 weeks of being laid off. Workers can keep any remaining amount as a reemployment bonus.

The personal reemployment accounts will be administered through the One-Stop Career System established under the Workforce Investment Act where displaced workers already seek employment assistance. States and local workforce boards that want to participate can apply to the Labor Secretary for competitive grants to offer reemployment accounts to unemployed workers. An individual who receives an amount must be receiving unemployment benefits, be identified by the State as likely to exhaust his or her benefits, and be eligible for at least 20 weeks of unemployment compensation.

These accounts are a new benefit option that would work in tandem with unemployment insurance as an additional vehicle to help workers in their efforts to find good-paying jobs. Over the past 2 years, we have taken numerous steps to help unemployed workers, and this is another way we are responding to the needs of Americans who find themselves without work.

As I stated earlier, the U.S. economy is strong and getting stronger. Personal reemployment accounts are yet another important step to help these displaced workers find the jobs that they seek. By giving job-seekers all the resources they need to return to work, we will continue this economic resurgence and help every unemployed American secure the education and skills necessary to take advantage of today's reenergized job market. That is what this debate is all about. Let us not let the perfect become the enemy of the good. Let us support the rule and the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard a lot of rhetoric today about how the economy is on the upswing and how it has improved and how jobs are beginning to return. But I can tell my colleagues that people in my hometown and communities across America remain unemployed. There are 8.2 million people out of work in this country, and there is now only one job opening for every three unemployed individuals. No matter how you spin it, the bill before us today will not do a single thing to create more jobs.

That is why I urge Members to join me in defeating the previous question. If the previous question is defeated, I will offer an amendment to the rule making in order an amendment that was not accepted by the Committee on Rules by the gentleman from Ohio (Mr. RYAN) to train 100,000 new first responders.

□ 1115

That is 100,000 new policemen, firemen, emergency response personnel, medical personnel, and scores of other citizens who keep this country safe every day and would, of course, create jobs.

I offered this amendment in the Committee on Rules last night; but as is usual practice these days, it was defeated on a straight party-line vote.

Now, this bill is supposed to be about helping the unemployed. Well, I can tell my colleagues if they really want to help them, they will do everything they can to find ways to create new good-paying jobs. And that is what the Ryan amendment will do. So I urge my colleagues to vote today in favor of job creation, in favor of protecting our communities by voting ''no'' on the previous question.

Let me be clear, Mr. Speaker. A ''no'' vote will not prevent us from considering the bill before us today, but by voting ''yes,'' Members will be denying this House a chance to create 100,000 new jobs for unemployed Americans.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the CONGRESSIONAL RECORD immediately before the vote.

The SPEAKER pro tempore (Mr. SHAW). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge Members to vote ''no'' on the previous question.

Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are discussing real issues that have real impacts on real families all across this country, whether in my district of Columbus, Ohio, or in any of the other 434 districts my colleagues represent in this body. Americans want to work. They want to provide for their families and themselves. They want to take responsibility for their decisions.

Mr. Speaker, we all know that most of the time when someone loses his or her job it is for reasons beyond their control. As we strive to reach the day when all Americans hold down good jobs, the reality is, as it always has been, some people will be out of work on any given day. So until we reach that day, let us give our friends and neighbors who are unemployed the tools and resources they need to make their own decisions about how best they can find work which suits them. Whether that means using their personal reemployment account for a daycare while they are interviewing, or transportation to that interview, or for a computer training class, whatever they believe they need, let us allow them to have it.

The key here is flexibility, giving the people the power to make choices that best reflect their own situations. The result will be getting people back to work at good-paying jobs, to begin rewarding lifelong careers.

AMENDMENT OFFERED BY MS. PRYCE OF OHIO

Ms. PRYCE of Ohio. Mr. Speaker, I offer an amendment to the rule to fix a technical error.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. PRYCE of Ohio: In section 2(a)(1), strike ''4410'' and insert ''4411''.

Ms. PRYCE of Ohio. Mr. Speaker, I urge my colleagues to support this rule, the amendment, and the underlying resolution.

Mr. LINDER. Mr. Speaker, I rise in support of this rule, and thank my friend and colleague from the Rules committee, Ms. PRYCE, for yielding me this time.

I support passage of H. Res. 656, which is a closed rule, and urge my colleagues in the House to join me in doing so. The Rules Committee received a couple of amendments to H.R. 444, but a rule of this nature was needed in order to allow the House to work its will on H.R. 444, without getting into a number of issues unrelated to the goals of helping displaced workers return to good jobs.

I want to commend Mr. PORTER of Nevada for his effort in bringing H.R. 444, the underlying legislation, to the House floor. This bill provides for the creation of personal reemployment accounts, allotting $3,000 to help unemployed individuals find new jobs. This is a new approach to reducing unemployment, and it allows individuals to have more control over their job search.

Those unemployed individuals who are eligible for these reemployment accounts may use the money toward job training, child care, transportation, or other programs that would assist them in returning to work.

Additionally, under H.R. 444, if an individual finds employment before the 13th week of benefits, he may keep the left-over money for his personal use. Therefore, it creates an additional incentive for unemployed individuals to find work quickly.

This is another part of our plan to help workers find good jobs. This Congress understood that by reducing the tax burden and improving economic incentives, we could boost economic growth and increase the flow of resources into production. That occurred by following the implementation of the Republican tax relief plan. By reducing the tax burden on small businesses and families, we are creating more economic activity which means more jobs for all Americans. Today, we are taking another step to help unemployed workers, and this bill will give those seeking a job another resource to assist their efforts.

H.R. 444, is not a ''hand-out'' for our Nation's unemployed; instead, it offers them a ''hand-up.'' By giving individuals more control of their job search, they have the opportunity to become self-reliant. For these reasons, it's very important that we pass H.R. 444 today.

Mr. Speaker, I urge my colleagues to join me in supporting this rule so that we may proceed to debate the underlying legislation.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 656 RULE FOR H.R. 444—THE BACK TO WORK INCENTIVE ACT OF 2003

In the resolution, insert after ''and (2)'' the following and renumber ''(2)'' as ''(3)'':

''(2) the amendment in the nature of a substitute specified in Section 3 of this resolution if offered by Representative Ryan of Ohio or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 60 minutes equally divided and controlled by the proponent and an opponent; and (3)''

At the end of the resolution add the following:

SEC. 3. The amendment referred to in (2) is as follows:

AMENDMENT TO H.R. 444

OFFERED BY MR. RYAN OF OHIO

First responders grant program

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''First Responders Grant Program Act''.

SEC. 2. FIRST RESPONDERS GRANT PROGRAM.

Subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) is amended by inserting after chapter 5 the following new chapter:

''CHAPTER 5A—FIRST RESPONDERS GRANT PROGRAM

''SEC. 135A. GRANTS TO STATES.

''(a) IN GENERAL.—The Secretary shall allot the amount appropriated under section 135D to the States, on the basis of a State's population relative to the population of all States, to be allocated by the Governor pursuant to section 135B.

''(b) SMALL STATE MINIMUM ALLOTMENT.—The Secretary shall ensure that no State shall receive an allotment under this section that is less than ½ of 1 percent of the amount appropriated under section 137(c).

''SEC. 135B. WITHIN STATE ALLOCATIONS.

''(a) IN GENERAL.—After reserving from the amounts allocated under section 135A amounts for administrative costs under subsection (d), of the remainder—

''(1) 75 percent of such amounts shall be allocated by the Governor to local areas in accordance with subsection (b); and

''(2) 20 percent of such amounts shall be reserved by the Governor for allocation to local areas in accordance with subsection (c).

''(b) ALLOCATION TO COUNTIES.—Of the amounts described in subsection (a)(1), the Governor of a State shall allocate to the counties of such State, on the basis of a county's population relative to the population of all counties within such State, to be used to hire and train first responders pursuant to section 135C.

''(c) GOVERNORS' DISCRETIONARY ALLOCATIONS.—Of the amounts reserved pursuant to subsection (a)(2), the Governor of a State may allocate amounts to local governments (including county and city governments) determined by the Governor to have the greatest need for such amounts to hire and train first responders pursuant to section 135C.

''(d) ADMINISTRATION.—Not more than 5 percent of the amount allotted to a State under section 135A may be used by the Governor for administrative costs in carrying out this chapter.

''SEC. 135C. USE OF FUNDS.

''Counties (and other local governments where applicable) receiving funds under this chapter may use such funds, consistent with section 134(d)(4)(D)(ii), to hire and train individuals to become first responders, such as firefighters, police and emergency response personnel, and medical personnel, if such individuals—

''(1) are likely to exhaust regular unemployment compensation and are in need of job search assistance to make a successful transition to new employment;

''(2) are receiving regular unemployment compensation under any Federal or State unemployment program administered by the State; and

''(3) are eligible for not less than 20 weeks of regular unemployment compensation.

''SEC. 135D. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated for fiscal years 2004 through 2009 such sums as may be necessary to carry out this chapter.''.

Amend the title so as to read: ''A bill to amend the Workforce Investment Act of 1998

to establish a First Responders Grant Program to ensure adequate funding to increase the number of first responders in the Nation.''

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.J. RES. 83, PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES REGARDING THE APPOINTMENT OF INDIVIDUALS TO FILL VACANCIES IN THE HOUSE OF REPRESENTATIVES

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 657 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 657

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 83) proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) 90 minutes of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 657 is a rule providing for the consideration of House Joint Resolution 83, a proposed amendment to the Constitution of the United States regarding appointment of individuals to fill vacancies in the House of Representatives.

The rule provides for 90 minutes of debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule also provides for one motion to recommit.

Mr. Speaker, on April 22 of this year, the House of Representatives debated and voted on H.R. 2844, the Continuity of Representation Act, which provides for the expedited special election of new Members to fill seats left vacant due to extraordinary circumstances.

Such circumstances would be deemed to exist when the Speaker of the House announces that vacancies in the House exceed 100 members. The special elections would be required to be held within 45 days. This bill passed the House with a broad majority of 306 votes in favor to 97 against.

At the foundation of the Continuity in Representation Act is the principle that Members of this House ought to be elected by the people. This principle has guided service in this institution since its inception. Indeed, the purpose of the House is to serve as a Chamber that is closest to the people; closest to the people due to the equal size of our constituencies; closest to the people due to the frequency of elections; and, most important, closest to the people because of the direct election by the people.

I support the Founding Fathers' view that Members of the House ought to be directly elected by the people and not selected for them.

This rule provides for consideration of an approach that would amend the Constitution and allow for immediate appointment within 7 days of replacements for Members due to the death or incapacity of a majority of the House's membership. The appointments would be made by the chief executives of the States where a vacancy exists from a list provided and maintained by the elected Member.

While I do not agree with changing the Constitution's requirements that Members of the House be directly elected, I do sincerely believe that our colleagues who do support this constitutional amendment deserve the opportunity to have their proposal voted upon by the House.

Mr. Speaker, following the tragic events of September 11, this House has a responsibility and duty to consider the fate of this institution should it become necessary to replace a significant number of Members due to a deadly terrorist attack.

Neither passage of the expedited elections bill nor consideration of H.J. Res. 83 alone serves as a comprehensive response to the continuity of this House in the face of deadly attack. For example, we must consider appropriate responses in the event that a large number of Members are incapacitated rather than killed. This is a potential scenario that cannot be ignored in a time of chemical, biological, and radiological weapons.

In order to act, the Constitution requires the House to achieve a quorum of majority of all Members living and sworn. When a Member dies or resigns, the Speaker under the rules adjusts the quorum. However, the Framers never contemplated and made no provisions for the need to adjust the required quorum when large numbers of Members are still living but unable to carry out, temporarily or otherwise, the duties of the office to which they have been sworn. Under current law, if more than half of the House were to become incapacitated yet not deceased, the House could be unable to act at a time when the need to do so could hardly be greater.

On April 29, the House Committee on Rules held an original jurisdiction hearing on the incapacitation of Members. Under the leadership of the gentleman from California (Chairman DREIER), the Committee on Rules is approaching this important issue with the seriousness and thoughtfulness it deserves.

Mr. Speaker, while H.J. Res. 83 provides for the appointment of replacing representatives due to incapacity of elected Members, it does not offer an answer on how the House is to proceed on the question of defining or declaring incapacitation. These are important questions and the House must continue to deliberate seriously on their solutions.

I am committed to working to address this complex continuity issue, and I know that the gentleman from California (Chairman DREIER) and the gentleman from Wisconsin (Chairman SENSENBRENNER) will continue their personal involvement and leadership on this issue, as well as other committed colleagues on both sides of the aisle.

Mr. Speaker, I encourage my colleagues to support the rule and continue the important consideration of how this House will operate should massive tragedy strike.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself 6 minutes.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I want to thank my friend, the gentleman from Washington (Mr. HASTINGS), for yielding me the customary 30 minutes.

Mr. Speaker, today the House is debating the continuity of Congress. We are attempting to answer important questions: What happens to the House of Representatives if a majority of Members are killed or incapacitated in a catastrophic event like a terrorist attack? How does the House continue to function if there are not enough Members to constitute a quorum?

These are not easy questions to answer. Indeed, they are not easy questions to talk about or to think about. Nobody wants to consider what happens if they and their friends and colleagues are attacked, but they are questions that we must face head on. And they are questions that elicit

strong policy answers from those who have taken the time to study the issue.

Some believe that amending the Constitution is the proper course. Others disagree, arguing for statutory fixes. But it seems to me that we could all agree on one thing: that these issues should transcend partisan politics. But not in this House.

The Republican leadership cannot seem to help itself when it comes to the way it manages this body. They seem to be addicted to stifling debate, to muzzling Members of both parties, to partisan rules and lousy procedures, and to shredding the committee process.

And so I rise today in strong opposition to this rule because the Republican leadership has once again taken a nonpartisan issue and dragged it into the partisan mud. Instead of working side by side with Democrats, the Republican leadership ignored the proper procedures of this body and rushed this constitutional amendment to the floor for a vote.

This rule makes in order 90 minutes of general debate. That is 90 minutes more than the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), held in hearings on this amendment. Let me say that again. In the 108th Congress, there has not been one single hearing about a constitutional amendment on this issue.

The chairman of the Committee on the Judiciary found time to write a very eloquent op ed piece in this morning's Washington Post, but apparently could not find the time to hold a hearing. The chairman of the Committee on the Judiciary and the distinguished chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), hold strong views that the Constitution should not be amended. They may be right. However, I honestly do not believe that this whole issue has been given the serious and thoughtful attention and consideration that it deserves.

There is no reason to bring this bill to the floor without hearing from academics, lawyers, Members of Congress, Senators, former and current administration officials, liberal, moderate, and conservative interest groups. Many of those experts served right here as Members of Congress as members of the Committee on the Judiciary. Why are we not taking advantage of their expertise?

I am especially puzzled by this unnecessarily partisan process given that this is not a hot topic in the elections. I think it is safe to say that not a single congressional race this year will turn on whether the candidate supports constitutional or statutory remedies for the continuity of Congress. This is not what people are talking about around their kitchen tables. But it is important, and it should be handled correctly.

This rule makes in order only the constitutional amendment offered by the gentleman from Washington (Mr. BAIRD). Yet last night, the gentleman from California (Mr. ROHRABACHER) came before the Committee on Rules with two proposals. Several members of the Committee on Rules had questions and sought clarification on certain aspects of his ideas.

□ 1130

It was a very, very interesting conversation. But it was not a discussion that should have taken place in the Committee on Rules less than a day before the House votes on a constitutional amendment. It should have taken place at a hearing of the Committee on the Judiciary.

Mr. Speaker, the American people expect and they deserve a House that works together when this country faces adversity. After the September 11 attacks, the Speaker of the House and the minority leader brought our two parties together for a bipartisan caucus to discuss what happened and to discuss the next steps. During those next days and weeks we were not two parties, we were one country. I believe that we need to once again join together in a bipartisan caucus to talk about this important issue and decide on the steps that we need to take, to bring together experts from across the political spectrum and to do what is right for the country and for the Congress.

Mr. Speaker, this constitutional amendment was brought before the House in the wrong way. This rule is the wrong rule, and I would urge my colleagues to reject it.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules and an individual who has been a leader on this issue.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I thank my friend from Washington (Mr. HASTINGS) for his leadership on this issue and for his fine work on the Committee on Rules.

As I listen to the comments of my very good friend, the gentleman from Massachusetts (Mr. MCGOVERN), I cannot help but think how hard we have in fact been trying to work in a bipartisan way on this issue. I am going to talk about what led us to the point where we are right now, we are considering the rule; and then I will try to get a bit into the substance of the constitutional amendment.

We, after September 11, did come together as a Nation; and we had this historic appearance on the east front of the Capitol where Members of the House and the Senate came together to focus on the solidarity that was important as we begin to proceed with the global war on terrorism. We had never seen an attack like that that we saw on September 11 in our Nation's history. And contrary to what my friend from Massachusetts just said, we have continued to work in a strong bipartisan way, and we are here at this moment considering this constitutional amendment which I virulently oppose because of our desire to work in a bipartisan way.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and I introduced legislation which called for expedited special elections. Why? Because we feel very, very passionately about the need to ensure that no one ever serves in the People's House without having first been elected. It is conceivable under the constitutional structure that exists today that every other member that is traditionally elected in the United States of America could hold that office by appointment. The President of the United States can become President by appointment, as we found with President Ford. He became Vice President and then President. Members of the other body, the United States Senate, can in fact be appointed, serving in the United States Senate. But, Mr. Speaker, no one has ever served in the People's House without having first been elected.

James Madison said, ''Where elections end, tyranny begins.'' And so that is the reason that, having spent a great deal of time over the past few years looking at this, the gentleman from Wisconsin (Mr. SENSENBRENNER) and I joined with a number of our colleagues and we enjoyed bipartisan support in this effort. We put together this structure which says, if more than 100 Members are tragically killed, what happens? Well, we have an expedited procedure whereby elections are held within 45 days.

So when we put this legislation together we worked very, very hard on it. We had Members who said, we want to have a constitutional amendment, specifically, the gentleman from Washington (Mr. BAIRD), who I am happy to see has joined us and who has spent a great deal of time and effort on this issue; and I congratulate him for the thoughtful approach that he has taken on this issue.

But what happened when we moved ahead with our legislation was I had someone who was not, frankly, a proponent of the amendment or even the consideration of it; and that is the chairman of the Committee on the Judiciary.

At the request of the gentleman from Washington (Mr. BAIRD) and others, I talked with the chairman of the Committee on the Judiciary; and he made a commitment to me that in fact at the next markup the Committee on the Judiciary had they would report out this constitutional amendment. And so that is exactly what has happened.

It has been the bipartisanship that has gotten us to this point today where we are going to, at the request of the minority, have a vote on what I personally believe is an ill-conceived idea and

that is amending the US Constitution which would allow for the appointment of unelected members to serve in this House. And I recognize they want elections. Everyone is for elections. But I do not believe that anyone should serve here without the people having first decided who is going to serve.

So what happened, Mr. Speaker? Well, we worked on this legislation again in a bipartisan way; and by a vote of 306 to 97 we were able to pass this legislation. That is a clear, very strong bipartisan majority.

And how did we do it working in a bipartisan way? We addressed some of the very valid concerns that came from the minority, ensuring that all of the voting rights procedures are included. Those were offered by the gentleman from North Carolina (Mr. WATT), and we agreed that those should be accepted. The ranking minority member of the Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON), very appropriately talked about the concern to make sure that our men and women in uniform who are overseas have the opportunity to participate in those special elections. Those are two concerns that emerged from Democrats, from members of the minority that we incorporated in our legislation.

So as we proceeded with that measure, getting this strong bipartisan 306 to 97 vote in support of the legislation, we addressed the minority concerns. And so, contrary to what is being said about hearings, there were hearings in the Committee on the Judiciary. They did take place in the past Congress, but this has been a process that has been going on since September 11 of 2001.

Now I will say that when it comes to amending the Constitution I have always argued that an amendment to the Constitution should be a last rather than a first resort, and that is one of the reasons I believe that it is best for us to let the legislation that we have seen pass this House come up for consideration in the other body. I believe we should sign that legislation; and then, Mr. Speaker, we will have in place a structure to deal with a potential crisis.

Now, if we were to see two-thirds of this House vote, which everyone acknowledges is not going to happen, but if we were going to see two-thirds of this House vote in favor of a constitutional amendment that would allow for the appointment of Members to serve in the People's House, we have seen, on average, 7 years for ratification of a constitutional amendments. And I think that, based on the fact that this is very controversial and undermines the spirit, the Madisonian spirit of the representative democracy for the People's House, I think it would conceivably take a lot longer.

So that is why I think it is incumbent upon us to do everything we possibly can to ensure the bipartisan legislation which has passed this House, in fact, becomes public law. So that is why support of this rule is support of proceeding with the bipartisan commitment that I was proud to have been able to get from members of both political parties from our leadership team.

Mr. Speaker, I will tell you that the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), is absolutely committed to institutional reform as it comes, as we address this issue. There are a wide range of things that everyone has done to ensure the continuity of the Congress.

We in the Committee on Rules are spending a great deal of time right now dealing with this issue of incapacitation. It is a tough one. It is not an easy one. But we are deliberating which is exactly what our responsibility is. So I believe that support of this rule is support of the bipartisan quest and the agreement that I was proud to have put together with the gentleman from Washington (Mr. BAIRD) to allow for a vote, which is what they asked me to do, Mr. Speaker. I was asked to put into place a structure that would allow for a vote on a constitutional amendment, and we are going to be doing that vote.

So that is why when people want to talk about the fact that somehow this has become partisan, it is not partisan. The one vote we had, 365 members of both political parties overwhelmingly supported the legislation and, along with that, even though it is not going to pass, have allowed for a vote on the issue of amending the Constitution.

Now, let me say very briefly that I believe that looking at the prospect of having anyone serve in the House of Representatives without having first been elected is ill-conceived and wrong; and I believe that while we may hear about a structure that does exist for the Speaker of the House who could be selected by a very few Members to conceivably by the succession plan become President of the United States, that structure existed when James Madison, the father of the Constitution, put this whole device that we have in place under which we govern the United States Constitution.

So, Mr. Speaker, I am convinced that we are doing the right thing by allowing the gentleman from Washington (Mr. BAIRD) to have his chance to be heard with the constitutional amendments, and I believe that we are doing everything we can to continue down the road of working in a bipartisan way on institutional reform. So I will simply say that I thank my friend again for his hard work. I want to thank the gentleman from Illinois (Mr. HASTERT) for the leadership that he has shown on this.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say to the distinguished chairman of the Committee on Rules that what today is supposed to be bipartisan is more than just giving the gentleman from Washington (Mr. BAIRD) his day on the floor.

Last night, in the Committee on Rules, the chairman said this is a very serious issue. He mentioned on the floor today that it is a very controversial issue. It would seem to me that if it is a serious issue and a controversial issue and if we are going to have a process here that both sides can respect, then at a minimum the committee of jurisdiction, which is the Committee on the Judiciary, should have held a hearing on it. We reported this measure out on a very partisan vote in the Committee on the Judiciary without a hearing on the proposal that we are debating here today.

The chairman of the Committee on Rules says that we are working in a bipartisan way. How can this be a bipartisan process when the committee of jurisdiction, the Committee on the Judiciary, has not held a hearing?

I would say that I read the chairman's op-ed piece today in the Washington Post, and I agree with much of what he is saying, but I have a lot of questions. There were members of the Committee on Rules last night who had a lot of questions. There are Members who are not on the floor right now who have a lot of questions. I think that it is important that we have a process that has some integrity to it, a process where people can have their questions raised and answered; and this is not the process.

Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I would simply argue that requests were made of me as the chairman of the Committee on Rules to allow us to have a chance to debate and vote on the gentleman from Washington's (Mr. BAIRD) constitutional amendment. That was the request that was made of me. We know that there is strong opposition, and I am proud to be one of the leaders of the opposition of the constitutional amendment, but I recognize that the gentleman from Washington (Mr. BAIRD) has put a lot of time and effort in this. We have gone through a multi-year period, a multi-year period allowing for a lot of deliberation on this; and the Committee on the Judiciary reported this measure out unfavorably. Why? Because I believe correctly they understand that amending the Constitution is not the proper thing for us to do.

So I am just trying to underscore the fact that I am standing here because of bipartisanship on this issue. Frankly, I do not think that we really need to consider this amendment to the Constitution. It is not going to carry. Two-thirds of this House is not going to be voting in favor of the gentleman from Washington's (Mr. BAIRD) amendment. He acknowledges that fact. He acknowledged it in the Committee on Rules last night in debate. But it is our good will and desire to work in a bipartisan way that led us to this point.

Mr. Speaker, I thank my friend for yielding me time.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I would ask the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, was he present, if I may ask, at the Committee on the Judiciary markup of this legislation?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from California.

Mr. DREIER. My job is to chair the Committee on Rules.

Mr. BAIRD. I do not want a filibuster. Just a simply yes or no, because I was there.

Mr. DREIER. No.

Mr. BAIRD. Okay. The reason I ask that is because, if we say that it was a bipartisan process, I was there. I am the author of this legislation. There were no hearings granted prior to the vote, and at that hearing a reasonable request was made.

The author of the legislation is here. Let us give him a couple of minutes to speak to the legislation. It was a unanimous consent request. That was denied.

The spirit of true bipartisanship would have said, if the author of a legislation has never had a chance to speak before our committee, then let us at least hear him out.

□ 1145

Instead, what happened was the chairman of the Committee on the Judiciary presented the bill I believe in a false and misleading light, and I was not given a single moment to address it.

I respect the chairman of the Committee on Rules, and I am glad he is here, and I am glad we have this opportunity, and I appreciate that, but it would be a rewrite of history to suggest for one second that the Committee on the Judiciary process that led up to this was bipartisan.

Mr. MCGOVERN. Mr. Speaker, I yield 10 seconds to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, because the gentleman has made a couple of statements that I need to respond to, I would say in response to the gentleman from Washington's (Mr. BAIRD) statement, no, I was not there.

I do know that, in the Committee on the Judiciary, if the gentleman would further yield.

Mr. MCGOVERN. Mr. Speaker, we have a whole bunch of speakers here on our side. Could maybe your side yield the distinguished chairman some time?

Mr. DREIER. Mr. Speaker, if you would just yield me a minute.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, let me respond by saying that in the Committee on the Judiciary I know that the gentleman from New York (Mr. NADLER), who is the ranking member of the Subcommittee on the Constitution, offered an amendment. He withdrew that amendment. So there were no amendments offered.

An opportunity for bipartisanship obviously existed in the committee in that Members could, in fact, offer proposals.

The agreement that we had, the request that was made of me, was that we allow for an up-or-down vote on the gentleman from Washington's (Mr. BAIRD) constitutional amendment on the floor. That is what we are doing. We are going to, in fact, be having an up-or-down vote.

I cannot understand why it is that people want to talk about the fact that in the Committee on the Judiciary they did not believe that there was a proper hearing. In the last Congress, there was hearing on the issue of a constitutional amendment. We know that the members of the Committee on the Judiciary oppose amending the Constitution to allow for appointed people to serve in the People's House, where everyone has always been elected; and the members of the minority in the Committee on the Judiciary did have, in fact, an opportunity to offer amendments themselves to this proposal.

That is what a markup is about. The agreement was that there would be a markup in the Committee on the Judiciary. That was the request that was made of me. We complied with it.

So I believe that we are doing the best thing we can; and, I apologize to my friend from Washington if he thinks what I just said was a filibuster.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Before I yield to the gentlewoman from Texas, I should just point out to the chairman of the Committee on Rules that the gentlewoman from California (Ms. LOFGREN) tried twice during the markup to postpone consideration of the gentleman from Washington's (Mr. BAIRD) amendment for a couple of weeks to allow for there to be an opportunity for Members to offer amendments and there to be a hearing, and the motion was tabled.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman.

I wish the chairman of the Committee on Rules would remain on the floor. Because I believe that, more than a bipartisan effort on the gentleman from Washington's (Mr. BAIRD) legislation, we really have appeasement; and I do not think the Constitution warrants appeasement in life-and-death matters.

As I hold a portion of the Constitution in my hands, let me remind my colleague that the opening refrain of the Constitution clearly states: We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, and promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

My good friend from California has indicated an appeasement story, but we are not looking for appeasement. This is a question of whether or not we have a full body of procedure on a constitutional amendment; and the Committee on the Judiciary, of which I sit as a member, did not have any hearings on the gentleman from Washington's (Mr. BAIRD) constitutional amendment. In fact, as he indicated, when it was requested for him to at least give an airing, a presentation, a view of this life-or-death question, he was denied.

First of all, for those comments about aversions to constitutional amendments, let me cite for my colleagues, in our own Committee on the Judiciary we have had a hearing on the crime amendment to the Constitution, rights of crime victims. Every single time since 1994 we have had a hearing. We have also had a hearing on the flag burning. In fact, we voted on the flag burning constitutional amendment. And the gentleman is right. Since we voted on it every year it has not passed. 108th, 106th, 105th, 104th Congress we have had hearings on constitutional amendments.

We have already had about five hearings scheduled on the constitutional amendment regarding same sex marriages, and my understanding is my good friends on the other side are gung-ho to vote for that constitutional amendment. I do not know if that is life or death. It is not life or death to most of us.

But this is a life-or-death question, whether or not this institution, founded and established by this Constitution, that talks about creating a more perfect union, and we cannot have a hearing nor do we have the opportunity to.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

Let me just say that I totally agree with the need to make sure that we deal with this life-or-death issue. The request was made of me that we, in fact, not have a hearing, that was not the request that was made of me. The request that was made of me is that we have an opportunity for the full House to vote on the issue of a constitutional amendment which would allow for appointed Members to serve here in the House of Representatives, as opposed to having the people elect them, and that is the agreement we had.

Ms. JACKSON-LEE of Texas. Reclaiming my time, and I thank the Chairman for coming to the floor and explaining that.

The only thing I would say to him is he spoke eloquently about bipartisanship. That request was made by the Republican chairman of the committee. I do not believe that was made by the

ranking member of the committee, and so we do not have bipartisanship. That is why I stand on the floor of the House now, not ignoring, if you will, the idea that this distinguished gentleman from Washington (Mr. BAIRD) was going to have an up-and-down vote, because I do not think that is what he is asking for. He has studied this issue for a number of years because he realizes how serious it is.

I offered an amendment to the gentleman from Wisconsin (Mr. SENSENBRENNER) to allow judicial review, to allow an extension of the time for an appeal on the decisions made by the governor. Why did I ask for that? I asked for that, Mr. Speaker, because I believe there should be more involvement of the people in this process.

The legislation that is moving forward by the chairman of the Committee on the Judiciary, with all due respect to his good intentions, limits this to the leadership of various States. It does not in any way take into account the people; and, as I noted, in the Constitution, it started out by saying, We, the people.

Now, we stand here sort of in a dream-like atmosphere. Because 9/11 was more than 2½ years ago, and those of us that can recount the stories of where we were, as we did on the date of the assassination of John F. Kennedy, can say that we were in the hearing room or we were in the Capitol. I happened to be in the Capitol. And if we wanted to recount our fears and apprehension on that day, we would know the state of confusion that we were in.

We also know that those airplanes, God forbid, were destined not only for this Capitol but some rumor for the White House. Tragically, it went to the Pentagon and, of course, to the World Towers, but maybe distance makes the mind lose the gravity of the moment.

The point is the gentleman from Washington (Mr. BAIRD) is talking about life or death, and for the Committee on Rules to come to this floor and suggest there is bipartisanship based on the request of the Republican chairman of the Committee on the Judiciary is unfair.

I would only ask my colleagues, even though it is a distant memory, in light of the state of the world today and the war on terrorism, it is a reality and particularly in terms of what this administration has put us in in Iraq and Afghanistan. Who knows when a terrorist attack will occur?

The point is we need real legislation in a bipartisan way. The gentleman from Washington's (Mr. BAIRD) amendment should have had a full hearing, and anytime we amend the Constitution we should take it very seriously, and I regret that we have not. I ask my colleagues to demand a hearing before the Committee on the Judiciary before we vote on this amendment.

Mr. Speaker, I rise in strong opposition to the closed rule that was reported out of the Committee on Rules yesterday regarding this legislation sponsored by my colleague Mr. BAIRD.

A careful review of the Judiciary Committee's history with respect to its past treatment of constitutional amendments evidences a strong practice of holding hearings prior to any scheduled full Committee markup of that particular amendment.

Consider, for example, the constitutional amendment to protect the rights of crime victims. That amendment was introduced in each consecutive Congress since 1994 (the year the current Majority took control of the House), and on each occasion, it was the wisdom of the Committee to schedule a hearing.

Also, consider the Committee's treatment of the constitutional amendment to prohibit flag burning. A proposal on this issue was introduced in the 108th, 106th, 105th and 104th Congress and each time the Committee undertook hearings prior to scheduling a markup.

Moreover, consider the Committee's treatment of the constitutional amendment to limit the Federal government's ability to raise taxes. A proposal on this topic was introduced in the 105th and 104th Congress, and hearings were held on both occasions.

With this apparent and undeniably longstanding tradition, we are now told that a hearing is unnecessary under the present set of circumstances because a hearing was already held on the Baird amendment introduced in the 107th Congress. This line of reasoning lacks merit for two important reasons.

First, as previously mentioned, it has been the well-established practice of the Judiciary Committee to schedule a hearing on such proposals prior to proceeding to a markup. This hard and steadfast rule has prevailed, even under circumstances where the proposed amendments were virtually identical in nature.

Second, even assuming the general rule was subject to change, the two versions of the Baird amendment, H.J. Res. 67 (introduced in the 107th Congress) and H.J. Res. 83 (introduced in the current Congress), are distinct enough to warrant two separate hearings on their own merits. H.J. Res. 83, for example, uses a distinct threshold for making temporary appointments; places considerable limits on the discretion of the chief executive when he or she is authorized to make such appointments; and provides a mechanism for an incapacitated Member to regain his or her seat after recovery from incapacity.

Our Committee has already seen fit to schedule a series of five hearings, over the course of the next several months, to discuss the issue of same-sex marriage. With this in mind, one single hearing to discuss and consider ideas on how best to ensure the continuity of our government in the event of a catastrophic incident is more than reasonable.

Mr. Speaker, again, I oppose this rule and ask that my colleagues think about the gravity of what this Constitutional amendment will entail. We need to recommit this bill to the committee of jurisdiction, the Judiciary, and revisit the important issues that I have stated above.

Mr. HASTINGS of Washington. Mr. Speaker, may I inquire how much time remains on both sides?

The SPEAKER pro tempore (Mr. SHAW). The gentleman from Washington (Mr. HASTINGS) has 14 minutes remaining. The gentleman from Massachusetts (Mr. MCGOVERN) has 15 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from Florida (Mr. GOSS).

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from the great State of Washington for allowing me this opportunity.

I rise in strong support of this rule. It is a brief rule, it is understandable, and it is a very fair rule because it does get us to debate, but I am very much in opposition to the underlying resolution. That is the nature of this House. Even though we are against something, we bring it forward for debate. I think that is very fair.

It is prudent to ensure that our legislative process continues to function when we are at war or after a catastrophe. That goes without saying. It is not only prudent. It is responsibility.

We are at war. It is a fact. A loosely organized global network of radical fanatics, who use terror as their weapon of choice, has declared war on us. The escalation of terrorist attacks against us, underscored by the terrible carnage on our innocent homeland on September 11, leaves no doubt that war has been declared on us, and we are at war.

So it is wise to visit the issue of continuity of Congress. However, few problems require a constitutional remedy, and I firmly believe this is not one of them.

The beauty of our government is the ability to evolve and adapt to changing times and needs without altering the foundation that supports and guides us. That is our Constitution.

Our country has withstood foreign wars, civil war, depression, even attacks on our own soil with only 27 changes to our Constitution over the years. As elected public officials, we must understand our responsibilities are not only to those we represent but also to the Constitution that holds our Nation together.

I remind my colleagues, the opening line of our oath of office reads, ''I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic.'' There is no Member of this body who has ever spoken from this floor who has not sworn that oath.

Not far from where we stand, an hour or so from this Chamber, lies Montpelier, the home of the father of the Constitution, James Madison. There, and in this body, his teachings live on and his wisdom resonates with the new generations.

Our Nation has a powerful history based on the principles of free government and the right of all people to elect their representatives. Congress has the privilege to serve those it represents, not to appoint that right to others.

When describing the special relationship between the House of Representatives and the American people, James Madison said, ''Duty, gratitude, interest, and ambition itself are the chords

by which they will be bound to fidelity and sympathy with the great mass of the people.''

In order to preserve this bond, we should not tolerate exceptions and caveats to our election process but, rather, continue to encourage Americans to gather together and to vote, solidifying our conviction for and our responsibility to a free government that serves its people.

In the war on terror, we are confronting those who threaten our liberty simply because we have it and we enjoy it. Although the war made against us by terrorists is perilous and unpredictable, we have a duty to remain steadfast and strong, vigilant and upholding the ideals that have contributed to this great Nation, but not in overreacting. We must bring patient, I emphasize patient, devotion and overall intensity of purpose to prudent action without moving the foundation stone of our freedom, our Constitution.

I support the rule because it provides for a deliberative debate, which is what the opposition has asked, but I strongly oppose rushing to change our Constitution. Are the terrorists trying to make us do things to ourselves that the terrorists themselves could not directly force us to do? Let us not succumb to a hasty reaction. Let us celebrate our Constitution as it is and vote ''no'' on the resolution that would amend it.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let me just say to kind of clarify what the concerns are on this side of the aisle. This is an important issue. This is an important topic that we are talking about. I think all of us can agree on that. This is supposed to be a deliberative body where we deliberate, and that means hold hearings where we have people who are experts on some of these issues be able to talk and testify and offer their input.

I am not sure whether it is a good idea to amend the Constitution, but I have to tell my colleagues I am appalled by this process that we would bring an issue like this to the House floor and to ask Members to vote up or down on it without holding hearings in the committee of jurisdiction. That is not the way this place is supposed to work.

The people of this country, the people of this institution deserve a lot better.

Mr. Speaker, I yield 7 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank my colleague for the time.

In 1787, this month, the Constitutional Convention was at work in Philadelphia, some of the brightest minds in the history of this country. One of those great minds was Madison, and he has been quoted a lot today, but let me quote another thing Mr. Madison said.

□ 1200

Madison said this about the importance of checks and balances: ''The accumulation of all powers legislative, executive, and judiciary in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed or elected, may justly be pronounced the very definition of tyranny.''

Madison truly believed we have to elect our representatives to the House, but he also believed with equal dedication that there must be checks and balances. Mr. Speaker, if you and we here today do not act, we impose upon this Nation conditions that will ensure the situation that Madison abhorred of concentration of all the power in the executive.

And let us be clear, it will not likely be an elected executive. We are not talking about President Bush or Vice President CHENEY. If the terrorists strike, they will do everything in their power to kill those two individuals and everyone in here that they can. Who then will run this country? That is the question you have yet to answer. You have not answered it. You have said 45 days later we will figure something out. But during that 45 days, who runs the United States of America?

We have indeed taken an oath to defend this Constitution. We have also taken an oath that says we will defend the whole Constitution, including the prerogatives of the House of Representatives as specified in article I.

As people watch this debate today, the people here and the people elsewhere, they must ask themselves, Do I want this country run with no representation from my district there to speak for me? Does an unelected individual who assumes power in the executive branch get to send my child to war without me having a person there to exercise a voice and a vote? I do not think so.

I have had 220 town halls since being elected here, and I will tell you the people back home get this. They do not care really about the insides and outs of the Committee on Rules, but they do care about fair process. And they would say to themselves the idea that we would bring a constitutional amendment to the floor, without ever having given the author a chance to speak to it, is antithetical to the real principles of democracy.

When the distinguished chairman of the Committee on Rules said we are doing our best, I do not believe so. I believe he dissembles. We are not doing our best. Our best would be this: our best would be to invite all the authors of various proposals, for real continuity, to have a full opportunity for debate, an extensive opportunity for the debate, and for the Speaker of the House of the Representatives and the minority leader to say to their representatives, come to the floor, pay attention to this vital matter, and then we will have time for fair debate, time for full amendments.

That is what we truly asked the chairman of the Committee on Rules to do. We did not say just bring this up for an up-or-down vote. I introduced a resolution that would have provided a fair and full rule to allow for debate of all different proposals, but that was denied. That rule would have offered several days' waiting period for extensive amendments. That was denied. We can do better than this.

It has been said that few problems require a constitutional amendment. Absolutely true. I believe the majority party has been far too eager to amend the Constitution of late. But I will tell you that a bipartisan commission, a bipartisan commission of distinguished scholars began studying this issue over a year and a half ago, with the premise that we must not amend the Constitution to fix this. After a full year of study, and we are going to have about an hour today, they studied this matter for a year, and they listened to experts and scholars from across the political spectrum, and what did they conclude? They concluded we can only fix this with an amendment.

And that includes, by the way, distinguished Republican statesmen, people like former Senator Al Simpson from Wyoming. Ask Senator Simpson why he reached that conclusion. Ask the distinguished Senator from Texas, Mr. CORNYN, who has successfully introduced legislation in the other body, why he concluded that we need an amendment.

None of us woke up on September 11 and said, boy, what a great day to start thinking about a constitutional amendment. But thousands of our fellow citizens woke up that day not knowing it would be their last. We do not know today when that will happen; but we do know that if the terrorists strike us, they will, in fact, change our system of government at their discretion. They will change who the President is. They will change the political makeup of this body. And we are unprepared to deal with that, and it is irresponsible. And I am sorry it has taken 3 years.

Let me close with statements from the Attorney General of the United States just a week ago: ''After the March 11 attack in Madrid, Spain, an al Qaeda spokesman announced 90 percent of the arrangements for an attack in the United States were complete.'' A paragraph later the Attorney General said, ''Several upcoming events over the next few months may suggest especially attractive targets. These events include the G–8 summit, the Democratic Party convention in Boston this summer and the convention of the Republican Party in New York City.''

If the terrorists attack the convention in New York, kill the President and Vice President and many Members of this body, the inevitable consequence is that Democrats will take the majority of this body, will be forced to elect a Speaker, that person will be a Democrat, and that person will become President.

The distinguished chairman of the Committee on Rules says this was precedent in Madison's time. No, sir, it

was not. It was not for two reasons. The nuclear weapon did not exist in Mr. Madison's time. Secondly, the Succession Act of 1947 was about 180 years away from being written. Madison could not have conceived this. He could not have conceived this, but he left to us an opportunity to address it. We wish we did not have to, but it is foolhardy and reckless to not act when we know the dangers we face.

It has been 3 years, Mr. Speaker, 3 years almost since we saw 3,000 of our fellow citizens killed. If we believe we are immune to that, then we are desperately, desperately deceiving ourselves. And if we do not take provisions to provide for that, then we are letting our public down and letting that sacred Constitution down.

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent to insert an article that was written by Professor Colleen Shogan, who is a professor of Government and Politics at George Mason University. This article appeared in yesterday's Roll Call.

The SPEAKER pro tempore (Mr. SHAW). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

[From Roll Call, June 1, 2004]

ON CONTINUITY, BOTH PARTIES NEED TO COOPERATE

(By Colleen Shogan)

The debate over how Congress should reconstitute itself in the wake of a devastating terrorist attack has evolved into a partisan melee with experts, staffers and elected officials talking past one another. The same arguments are repeated over and over again, with interested parties now seeming to treat the issue as a law school exercise that rewards the most arcane legal reasoning.

It's true that when tinkering with the Constitution, and interpreting the meaning of the Founders, we must pay attention to the details. But along the way, we should not lose sight of the larger issues that surround the preservation of Congress and its continuity. The current debate has given scant attention to several important points—points that may have the power to move deliberations beyond the impasse over whether a constitutional amendment is needed or whether appointments should take precedence over special elections.

Virtually everyone agrees that the first priority in the wake of a disaster is to make sure the federal government continues to function. The oft-cited reason for quickly reconstituting the House is to preserve its representative capacity. While this rationale is essential, an equally important reason is to preserve legislative power vis-à-vis an emboldened executive.

At a recent Rules Committee hearing on continuity, one Member wondered if a House of Representatives with only a few able Members should cease to function and cede power to the president until it was able to regain membership. Although it is appropriate to ask this question, the answer is a resounding ''no.''

If Congress cannot function properly, unilateral executive actions will serve as the operating mechanism of the federal government. For several months in 1861, Abraham Lincoln prosecuted the Civil War unilaterally, until Congress reconvened in early July. The suspension of habeas corpus, the naval blockade, and the enlargement of the Army and Navy undertaken by Lincoln are conventionally revered in American history as acts of necessity and preservation. But in the Second Treatise of Government (Chapter 8, Section 111), John Locke warned against the expansion of the executive ''prerogative'' power.

Locke conceded that ''virtuous princes'' who expand executive power in a time of crisis perform a noble service, but added that those princes who come to power in the aftermath will always be tempted to abuse the precedents set before them. We may recall that Richard Nixon invoked Lincoln's expansive use of executive power when he refused to turn over the Watergate tapes. Locke's so-called ''virtuous princes'' are not the problem; rather, it is those who follow in their wake.

In short, it would be a travesty if the legislative branch ceased to operate with legitimacy at a time of crisis in the United States. Emergency executive actions that Congress or the Supreme Court subsequently recognize as legally permissible ultimately enlarge the discretionary power of the executive branch. Congress's effectiveness as a bulwark against the executive should encourage lawmakers to design logistical procedures that insure the immediate reconstitution of the House and Senate if mass vacancies or incapacitations occur.

The Constitution requires that all members be selected by election, following the Founders' desires to keep the House close to the people. Yet while the electoral integrity of the House is significant, so too is the fact that the Founders designed the House to provide proportionate and equal representation to all citizens.

Read in its entirety, the Federalist Papers aggressively promote the republican nature of American government, while defending its democratic allowances cautiously. Strictly speaking, the United States is a ''democratic republic.'' If only a few Members were left to represent the whole nation for a period of time before special elections could be held, would that arrangement accurately reflect the Founders' republican vision? Democracy and republicanism are essential to American governance, and the solution to continuity should span both ideals.

The relevance of both democratic and republican norms suggests that a two-part approach might provide the most comprehensive resolution to the problem of congressional continuity. The Continuity in Representation Act of 2004, sponsored by Rep. Jim Sensenbrenner (R–Wis.), ensures the democratic character of the House by mandating that special elections be held within 45 days of a catastrophe. While that time period may prove too short to conduct several hundred special elections after a massive attack, the underlying electoral motivation behind the bill is sound.

By itself, however, the measure is not a comprehensive answer. To preserve the representative function of the House, an amendment allowing the temporary appointment of members must be enacted. In the context of partisan rancor, these two approaches to continuity have been presented as mutually exclusive measures. But instead, a constitutional amendment should be considered compatible with Sensenbrenner's bill, together producing a federal law that mandates timely special elections as well as a constitutional amendment that provides for temporary House appointments. Only this can preserve the Founders' democratic and republican ideals.

It is time to move beyond the repetitive rhetoric and the impenetrable inflexibility of rival solutions. Each side has solved part of the problem; only a blend of approaches can settle the looming question of continuity. Adherence to the Founders' ideals depends on a bipartisan approach. Even more important, the balanced preservation of our nation's governing system in a time of crisis necessitates it.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, if I can just read the first line of that column where Professor Shogan says, ''The debate over how Congress should reconstitute itself in the wake of a devastating terrorist attack has evolved into a partisan melee with experts, staffers, and elected officials talking past one another.''

I think, Mr. Speaker, what people on our side are concerned about is that the professor is absolutely right, that this issue has kind of become more partisan than it should be. In fact, it should not be partisan at all and this really is a time to kind of take a couple of steps backwards and to do the necessary deliberation and consideration that something this important requires. That is what we are asking for here.

I think it is hard for the other side to justify that this has been a fair and bipartisan process and that they are taking this issue seriously when the main committee of jurisdiction has not even held a hearing on this particular bill in the 108th Congress. So what we are asking for is that this serious issue be taken seriously, that the necessary deliberation and the necessary consideration be followed as we move forward with this legislation.

So with that, I would urge a ''no'' vote on the rule.

Mr. Speaker, I yield the balance of my time to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, how much time is available?

The SPEAKER pro tempore (Mr. QUINN). The gentleman from Washington has 5½ minutes remaining.

Mr. BAIRD. Mr. Speaker, in that brief time let me address what this amendment really does.

It is very straightforward. It says this: in the event of a catastrophic loss of Members, if we lose over 218, in other words more than would be required to sustain a quorum, then special provisions will apply. But only under catastrophic losses. And those special provisions are very straightforward.

The membership of this body, having been elected by our constituents to perform all the vital functions under article I, would be asked upon their election to create a list of potential successors who, upon our death or incapacity in a catastrophic event, could temporarily fill our place until special elections could be held. Temporarily until special elections could be held.

It is disingenuous, if not deliberately deceptive, to suggest this subverts or bans or undermines elections. We all believe direct elections should be held. The real question is this: Should we have a Congress or not? Should we have a House of Representatives? I think the Framers said we should.

That is why it is article I. But, my friends, if we lose more Members than necessary to sustain a quorum, we will have a constitutional crisis. It is that simple. The majority party has yet to address that.

I found a remarkable statement in the chairman's remarks during the markup of this bill. The chairman said, and I really want to pay attention to this: ''Congress has granted the President significant powers to act during an emergency. He could maintain the necessary functions of government, along with the Congress, utilizing a reduced quorum until elections are held.'' Where did Congress do that? The chairman of the Committee on the Judiciary of the United States has asserted that the Congress has granted the President of the United States special provisions and he has apparently ex cathedra dictated that we can function with a reduced quorum.

The Constitution of the United States has not dictated that we can function with a reduced quorum. The chairman cited no reference to say where this great body said, ''Mr. President, here are your authorities under a crisis.'' It did not happen. And it was not challenged in the Judiciary. How remarkable and how dangerous that is, that a chairman would dictate that we have given the President powers that we are not authorized under the Constitution to give and that we never took action to give.

The fact is it would not be the President, it would be an unelected Cabinet member that most Americans do not know forced to exercise extra constitutional powers. And, my friends, you would have no voice in this body or in this government to counteract whatever that individual wanted to do. That is why this matters.

It is so much easier to not look at this issue. It is so much easier to go on about our business as if every day we will be here just like we always have. We may not. And if we are not, and if tragedy strikes, the American people have a right to know what happens next. And this body, for 3 years, has failed to answer that question. Answers are available.

This bill may not be perfect, but the status quo is vastly, dangerously imperfect. What we have asked is to bring not only this bill but others, the bill of the gentleman from California (Mr. ROHRABACHER), Senator CORNYN's bill, that of the gentlewoman from California (Ms. LOFGREN), or the gentleman from Connecticut (Mr. LARSON), and ask this body, implore this body to grapple with the complexities of this. Because only when you struggle with it, and only when you see not only the alternatives but the problems of the status quo do you get it.

It is so much easier not to do that. It is easier not to make a will, it is easier not to provide care for our kids if we are gone; but it is irresponsible to do those things. This body must act. And at least today one thing will happen. We will be on record today as having voted to do something or having voted to do nothing. If you vote to do nothing, and God forbid something horrible happens and someone takes advantage of that and leads this Nation in a desperately dangerous path, then you are at least on record as having voted to do nothing. You have seen the risk, and you have chosen the course of inaction. That is irresponsible.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we can sure tell how important this debate is, and I do appreciate my colleague from Washington State for his passion on this. I do disagree with his approach, but he is going to have an opportunity to debate that when this rule passes, and we will have a debate on a constitutional amendment of appointing Members of this body.

But I want to just go back and I guess reflect on how we have tried to deal with this in the course of the history of our country.

□ 1215

After the Revolutionary War, when we formed a new government, it was the Articles of Confederation. Our Founders found out that did not work all that well for a variety of reasons, I suspect because there was a division of powers and there was no central government, and so the Founders had to figure out a way how do we respect the people's government, which I think is very, very important, and still have some central authority.

Part of that compromise was to make a bicameral legislature in which the lower house, the House of Representatives, the People's House, would always be elected by the people. Perhaps this debate is evolving into that very essential principle.

I think that the government, this government of the people, by the people and for the people, as Lincoln said in his Gettysburg Address, can function very well. I also believe there is no single answer to this question as we move forward.

I mentioned in my opening remarks that we passed the Continuity of Congress Act providing for expedited elections by the States. This may be an approach. But even if we were to pass a constitutional amendment, and I do not think it is going to get the two-thirds, it would take up to perhaps 7 years to get that ratified by three-fourths of the States. We have to have something in place. I hope the other body acts on the continuity issue so we can have something in place to take care of that.

Mr. Speaker, this is an important issue, and this will be the first time we will have an opportunity, the first time certainly to my knowledge that we will have an issue before the People's House, the U.S. House of Representatives, that will allow for something other than a direct election, under whatever circumstance, of Members of this House. This is a very, very important issue. I think it deserves to have a debate. This rule provides 90 minutes for that debate.

The SPEAKER pro tempore (Mr. QUINN). The Chair would inform Members that the gentleman from Washington (Mr. BAIRD) yielded back his time to the gentleman from Massachusetts (Mr. MCGOVERN). The gentleman from Massachusetts (Mr. MCGOVERN) controls 30 seconds.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. BAIRD), and urge a no vote on the rule.

Mr. BAIRD. Mr. Speaker, I would urge a no vote on the rule. How indicative that we said we will have 90 minutes to debate this, 90 minutes to debate the future of this country in the event of a terrorist attack. We are taking this tremendously seriously. I cannot believe it. I cannot believe we are giving 90 whole minutes to whether or not we will have a constitutional government with the House of Representatives and the very bicameral system that the gentleman from Washington described. Vote no on this. Give this body time to have real debate, real discussion on multiple amendments.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we will have a vigorous debate on this. As I mentioned, I am opposed to the underlying constitutional amendment. I think it is bad policy, but I think it should be debated in the People's House.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 657 will be followed by 5-minute votes, if ordered, on adopting H. Res. 657; ordering the previous question on the amendment to H. Res. 656 and on the resolution itself; adopting the amendment to H. Res. 656; and adopting H. Res. 656, as amended.

The vote was taken by electronic device, and there were—yeas 215, nays 195, not voting 23, as follows:

[Roll No. 213]

YEAS—215

Aderholt
Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—23

Bachus
Ballance
Ballenger
Bereuter
Berkley
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Dingell
Edwards
Emerson
Etheridge
Jones (OH)
Latham
McCrery
Pearce
Simmons
Tancredo
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1242

Mr. MARKEY, Mr. KIND and Ms. WOOLSEY changed their vote from ''yea'' to ''nay.''

Ms. GRANGER changed her vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. PEARCE. Mr. Speaker, on rollcall No. 213 I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. ETHERIDGE. Mr. Speaker, on rollcall No. 213, I was unavoidably detained and missed voting on H.J. Res. 83. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 211, noes 200, answered ''present'' 1, not voting 21, as follows:

[Roll No. 214]

AYES—211

Aderholt
Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
McCotter
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt

Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Rohrabacher

NOT VOTING—21

Bachus
Ballance
Ballenger
Bereuter
Berkley
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Hayes
Hunter
Jones (OH)
McCrery
Northup
Peterson (PA)
Tancredo
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1250

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NORTHUP. Mr. Speaker, on rollcall No. 214, I was unavoidably detained. Had I been present, I would have voted "aye."

PROVIDING FOR CONSIDERATION OF H.R. 444, BACK TO WORK INCENTIVE ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of ordering the previous question on the amendment to House Resolution 656 and on House Resolution 656.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 196, not voting 23, as follows:

[Roll No. 215]

YEAS—214

Aderholt
Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McHugh
McInnis
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—23

Bachus
Ballance
Ballenger
Bereuter
Berkley
Berry
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Ferguson
Hart
Jones (OH)
Lewis (CA)
McCrery
Mica
Strickland
Tancredo
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1257

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Ohio (Ms. PRYCE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 320, noes 96, not voting 17, as follows:

[Roll No. 216]

AYES—320

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Baker
Baldwin

Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Engel
English
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Velázquez
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOES—96

Andrews
Baird
Blumenauer
Brady (PA)
Brown (OH)
Capuano
Chandler
Clay
Conyers
Crowley
Cummings
Davis (AL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dingell
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Honda
Hoyer
Inslee
Jefferson
Johnson, E. B.
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Markey
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Rangel
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Serrano
Skelton
Slaughter
Stark
Tierney
Towns
Udall (NM)
Visclosky
Waters
Watson
Waxman
Weiner
Wynn

NOT VOTING—17

Bachus
Ballance
Ballenger
Bereuter
Berkley
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Hunter
Jones (OH)
McCrery
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1305

Mr. DAVIS of Illinois changed his vote from ''aye'' to ''no.''

Ms. MAJETTE and Mr. LARSON of Connecticut changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 196, not voting 17, as follows:

[Roll No. 217]

AYES—220

Aderholt
Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind

Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Bachus
Ballance
Ballenger
Bereuter
Berkley
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Jones (OH)
McCrery
Tauzin
Towns
Wilson (NM)

□ 1312

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BACHUS. Mr. Speaker, due to the primary election in Alabama held on June 1, 2004, I missed rollcall votes 210, 211, 212, 213, 214, 215, 216, and 217. Please note that if present, I would have voted "aye" on each of the votes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3113

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3113.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later in the day.

TEACHER TRAINING ENHANCEMENT ACT

Mr. McKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4409) to reauthorize title II of the Higher Education Act of 1965.

The Clerk read as follows:

H.R. 4409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as ''Teacher Training Enhancement Act''.

SEC. 2. TEACHER QUALITY ENHANCEMENT GRANTS.

Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended to read as follows:

''PART A—TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS

''SEC. 201. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are to—

''(1) improve student academic achievement;

''(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

''(3) hold institutions of higher education accountable for preparing highly qualified teachers; and

''(4) recruit qualified individuals, including minorities and individuals from other occupations, into the teaching force.

''(b) DEFINITIONS.—In this part:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

''(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

''(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

''(2) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(3) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(4) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

''(A)(i)(I) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

''(II) for which not less than 25 percent of the children served by the agency are from families with incomes below the poverty line;

''(ii) that is among those serving the highest number or percentage of children from families with incomes below the poverty line in the State, but this clause applies only in a State that has no local educational agency meeting the requirements of clause (i); or

''(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 7, as determined by the Secretary; and

''(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

''(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

''(5) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

''(6) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(7) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

''(8) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(9) TEACHING SKILLS.—The term 'teaching skills' means skills that—

''(A) are based on scientifically based research;

''(B) enable teachers to effectively convey and explain subject matter content;

''(C) lead to increased student academic achievement; and

''(D) use strategies that—

''(i) are specific to subject matter;

''(ii) include ongoing assessment of student learning;

''(iii) focus on identification and tailoring of academic instruction to students's specific learning needs; and

''(iv) focus on classroom management.

''SEC. 202. STATE GRANTS.

''(a) IN GENERAL.—From amounts made available under section 210(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsection (d).

''(b) ELIGIBLE STATE.—

''(1) DEFINITION.—In this part, the term 'eligible State' means—

''(A) the Governor of a State; or

''(B) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency.

''(2) CONSULTATION.—The Governor or the individual, entity, or agency designated under paragraph (1)(B) shall consult with the Governor, State board of education, State educational agency, or State agency for higher education, as appropriate, with respect to the activities assisted under this section.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

''(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall submit an application to the Secretary that—

''(1) meets the requirement of this section;

''(2) demonstrates that the State is in full compliance with sections 207 and 208;

''(3) includes a description of how the eligible State intends to use funds provided under this section;

''(4) includes measurable objectives for the use of the funds provided under the grant;

''(5) demonstrates the State has submitted and is actively implementing a plan that meets the requirements of sections 1111(h)(1)(C)(viii) and 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(viii) and 6319); and

''(6) contains such other information and assurances as the Secretary may require.

''(d) USES OF FUNDS.—An eligible State that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, to coordinate with State activities under section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)), and to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

''(1) REFORMS.—Ensuring that all teacher preparation programs in the State are preparing teachers who are highly qualified, are able to understand scientifically based research and its applicability, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by assisting such programs—

''(A) to retrain faculty; and

''(B) to design (or redesign) teacher preparation programs so they—

''(i) are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

''(ii) promote strong teaching skills.

''(2) CERTIFICATION OR LICENSURE REQUIREMENTS.—Reforming teacher certification (including recertification) or licensing requirements to ensure that—

''(A) teachers have the subject matter knowledge and teaching skills in the academic subjects that the teachers teach that are necessary to help students meet challenging State student academic achievement standards; and

''(B) such requirements are aligned with challenging State academic content standards.

''(3) ALTERNATIVES TO TRADITIONAL TEACHER PREPARATION AND STATE CERTIFICATION.—Providing prospective teachers with alternative routes to State certification and traditional preparation to become highly qualified teachers through—

''(A) innovative approaches that reduce unnecessary barriers to State certification while producing highly qualified teachers;

''(B) programs that provide support to teachers during their initial years in the profession; and

''(C) alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, former military personnel, and recent college graduates with records of academic distinction.

''(4) INNOVATIVE PROGRAMS.—Planning and implementing innovative programs to enhance the ability of institutions of higher education to prepare highly qualified teachers, such as charter colleges of education or university and local educational agency partnership schools, that—

''(A) permit flexibility in meeting State requirements as long as graduates, during their initial years in the profession, increase student academic achievement;

''(B) provide long-term data gathered from teachers' performance over multiple years in the classroom on the ability to increase student academic achievement;

''(C) ensure high-quality preparation of teachers from underrepresented groups; and

''(D) create performance measures that can be used to document the effectiveness of innovative methods for preparing highly qualified teachers.

''(5) MERIT PAY.—Developing, or assisting local educational agencies in developing—

''(A) merit-based performance systems that reward teachers who increase student academic achievement; and

''(B) strategies that provide differential and bonus pay in high-need local educational agencies to retain—

''(i) principals;

''(ii) highly qualified teachers who teach in high-need academic subjects, such as reading, mathematics, and science;

''(iii) highly qualified teachers who teach in schools identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b));

''(iv) special education teachers;

''(v) teachers specializing in teaching limited English proficient children; and

''(vi) highly qualified teachers in urban and rural schools or districts.

''(6) TEACHER ADVANCEMENT.—Developing, or assisting local educational agencies in developing, teacher advancement and retention initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a highly qualified mentor teacher or exemplary teacher) and pay differentiation.

''(7) TEACHER REMOVAL.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to remove expeditiously incompetent or unqualified teachers consistent with procedures to ensure due process for the teachers.

''(8) TECHNICAL ASSISTANCE.—Providing technical assistance to low-performing teacher preparation programs within institutions of higher education identified under section 208(a).

''(9) TEACHER EFFECTIVENESS.—Developing—

''(A) systems to measure the effectiveness of teacher preparation programs and professional development programs; and

''(B) strategies to document gains in student academic achievement or increases in teacher mastery of the academic subjects the teachers teach as a result of such programs.

''(10) TEACHER RECRUITMENT AND RETENTION.—Undertaking activities that—

''(A) develop and implement effective mechanisms to ensure that local educational agencies and schools are able effectively to recruit and retain highly qualified teachers; or

''(B) are described in section 204(d).

''(11) PRESCHOOL TEACHERS.—Developing strategies—

''(A) to improve the qualifications of preschool teachers, which may include State certification for such teachers; and

''(B) to improve and expand preschool teacher preparation programs.

''(e) EVALUATION.—

''(1) EVALUATION SYSTEM.—An eligible State that receives a grant under this section shall develop and utilize a system to evaluate annually the effectiveness of teacher preparation programs and professional development activities within the State in producing gains in—

''(A) the teacher's annual contribution to improving student academic achievement, as measured by State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)); and

''(B) teacher mastery of the academic subjects they teach, as measured by pre- and post-participation tests of teacher knowledge, as appropriate.

''(2) USE OF EVALUATION SYSTEM.—Such evaluation system shall be used by the State to evaluate—

''(A) activities carried out using funds provided under this section; and

''(B) the quality of its teacher education programs.

''(3) PUBLIC REPORTING.—The State shall make the information described in paragraph (1) widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies.

''SEC. 203. PARTNERSHIP GRANTS.

''(a) GRANTS.—From amounts made available under section 210(2) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

''(b) DEFINITIONS.—

''(1) ELIGIBLE PARTNERSHIPS.—In this part, the term 'eligible partnership' means an entity that—

''(A) shall include—

''(i) a partner institution;

''(ii) a school of arts and sciences;

''(iii) a high-need local educational agency; and

''(iv) a public or private educational organization; and

''(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A), a public charter school, a public or private elementary school or secondary school, a public or private educational organization, a business, a science-, mathematics-, or technology-oriented entity, a faith-based or community organization, a prekindergarten program, a teacher organization, an education service agency, a consortia of local educational agencies, or a nonprofit telecommunications entity.

''(2) PARTNER INSTITUTION.—In this section, the term 'partner institution' means an institution of higher education, the teacher training program of which demonstrates that—

''(A) graduates from the teacher training program exhibit strong performance on State-determined qualifying assessments for new teachers through—

''(i) demonstrating that the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area or areas in which the teacher intends to teach; or

''(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

''(I) using criteria consistent with the requirements for the State report card under section 207(a); and

''(II) using the State report card on teacher preparation required under section 207(a); or

''(B) the teacher training program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, and—

''(i) in the case of secondary school candidates, to successfully complete an academic major in the subject area in which the candidate intends to teach or to demonstrate competence through a high level of performance in relevant content areas; and

''(ii) in the case of elementary school candidates, to successfully complete an academic major in the arts and sciences or to demonstrate competence through a high level of performance in core academic subject areas.

''(c) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

''(1) contain a needs assessment of all the partners with respect to teaching and learning and a description of how the partnership will coordinate with other teacher training or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student academic achievement;

''(2) contain a resource assessment that describes the resources available to the partnership, the intended use of the grant funds, including a description of how the grant funds will be used in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends;

''(3) contain a description of—

''(A) how the partnership will meet the purposes of this part;

''(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e);

''(C) the partnership's evaluation plan pursuant to section 206(b);

''(D) how faculty of the teacher preparation program at the partner institution will serve, over the term of the grant, with highly qualified teachers in the classrooms of the high-need local educational agency included in the partnership;

''(E) how the partnership will ensure that teachers, principals, and superintendents in private elementary and secondary schools located in the geographic areas served by an eligible partnership under this section will participate equitably in accordance with section 9501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881);

''(F) how the partnership will design and implement a clinical program component that includes close supervision of student teachers by faculty of the teacher preparation program at the partner institution and mentor teachers;

''(G) how the partnership will design and implement an induction program to support all new teachers through the first 3 years of teaching that includes mentors who are trained and compensated by the partnership for their work with new teachers; and

''(H) how the partnership will collect, analyze, and use data on the retention of all teachers in schools located in the geographic areas served by the partnership to evaluate the effectiveness of its teacher support system; and

''(4) contain a certification from the high-need local educational agency included in the partnership that it has reviewed the application and determined that the grant proposed will comply with subsection (f).

''(d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, to coordinate with State activities under section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)), and to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

''(1) REFORMS.—Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research and its applicability, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

''(A) retraining faculty; and

''(B) designing (or redesigning) teacher preparation programs so they—

''(i) are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

''(ii) promote strong teaching skills.

''(2) CLINICAL EXPERIENCE AND INTERACTION.—Providing sustained and high-quality preservice and in-service clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support for teachers, including preparation time and release time, for such interaction.

''(3) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach, and that promotes strong teaching skills.

''(4) TEACHER PREPARATION.—Developing, or assisting local educational agencies in developing, professional development activities that—

''(A) provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, limited English proficient students, and students with special learning needs; and

''(B) provide training in methods of—

''(i) improving student behavior in the classroom; and

''(ii) identifying early and appropriate interventions to help students described in subparagraph (A) learn.

''(e) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use such funds to carry out the following activities:

''(1) ALTERNATIVES TO TRADITIONAL TEACHER PREPARATION AND STATE CERTIFICATION.—Providing prospective teachers with alternative routes to State certification and traditional preparation to become highly qualified teachers through—

''(A) innovative approaches that reduce unnecessary barriers to teacher preparation while producing highly qualified teachers;

''(B) programs that provide support during a teacher's initial years in the profession; and

''(C) alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, former military personnel, and recent college graduates with records of academic distinction.

''(2) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the partnership, and coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

''(3) MANAGERIAL AND LEADERSHIP SKILLS.—Developing and implementing professional development programs for principals and superintendents that enable them to be effective school leaders and prepare all students to meet challenging State academic content and student academic achievement standards.

''(4) TEACHER RECRUITMENT.—Activities—

''(A) to encourage students to become highly qualified teachers, such as extracurricular enrichment activities; and

''(B) activities described in section 204(d).

''(5) CLINICAL EXPERIENCE IN SCIENCE, MATHEMATICS, AND TECHNOLOGY.—Creating opportunities for clinical experience and training, by participation in the business, research, and work environments with professionals, in areas relating to science, mathematics, and technology for teachers and prospective teachers, including opportunities for use of laboratory equipment, in order for the teacher to return to the classroom for at least 2 years and provide instruction that will raise student academic achievement.

''(6) COORDINATION WITH COMMUNITY COLLEGES.—Coordinating with community colleges to implement teacher preparation programs, including through distance learning, for the purposes of allowing prospective teachers—

''(A) to attain a bachelor's degree and State certification or licensure; and

''(B) to become highly qualified teachers.

''(7) TEACHER MENTORING.—Establishing or implementing a teacher mentoring program that—

''(A) includes minimum qualifications for mentors;

''(B) provides training and stipends for mentors;

''(C) provides mentoring programs for teachers in their first 3 years of teaching;

''(D) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the school day;

''(E) establishes an evaluation and accountability plan for activities conducted under this paragraph that includes rigorous objectives to measure the impact of such activities; and

''(F) provides for a report to the Secretary on an annual basis regarding the partnership's progress in meeting the objectives described in subparagraph (E).

''(8) COMPUTER SOFTWARE FOR MULTILINGUAL EDUCATION.—Training teachers to use computer software for multilingual education to address the needs of limited English proficient students.

''(f) SPECIAL RULE.—At least 50 percent of the funds made available to an eligible partnership under this section shall be used directly to benefit the high-need local educational agency included in the partnership. Any entity described in subsection (b)(1)(A) may be the fiscal agent under this section.

''(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than one Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.

''(h) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out the purposes of this section.

''SEC. 204. TEACHER RECRUITMENT GRANTS.

''(a) PROGRAM AUTHORIZED.—From amounts made available under section 210(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable the eligible applicants to carry out activities described in subsection (d).

''(b) ELIGIBLE APPLICANT DEFINED.—In this part, the term 'eligible applicant' means—

''(1) an eligible State described in section 202(b); or

''(2) an eligible partnership described in section 203(b).

''(c) APPLICATION.—Any eligible applicant desiring to receive a grant under this section

shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

''(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical needs of the participating high-need local educational agencies;

''(2) a description of the activities the eligible applicant will carry out with the grant, including the extent to which the applicant will use funds to recruit minority students to become highly qualified teachers; and

''(3) a description of the eligible applicant's plan for continuing the activities carried out with the grant, once Federal funding ceases.

''(d) USES OF FUNDS.—Each eligible applicant receiving a grant under this section shall use the grant funds—

''(1)(A) to award scholarships to help students, such as individuals who have been accepted for their first year, or who are enrolled in their first or second year, of a program of undergraduate education at an institution of higher education, pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

''(B) to provide support services, if needed to enable scholarship recipients—

''(i) to complete postsecondary education programs; or

''(ii) to transition from a career outside of the field of education into a teaching career; and

''(C) for followup services provided to former scholarship recipients during the recipients first 3 years of teaching; or

''(2) to develop and implement effective mechanisms to ensure that high-need local educational agencies and schools are able effectively to recruit highly qualified teachers.

''(e) ADDITIONAL DISCRETIONARY USES OF FUNDS.—In addition to the uses described in subsection (d), each eligible applicant receiving a grant under this section may use the grant funds—

''(1) to develop and implement effective mechanisms to recruit into the teaching profession employees from—

''(A) high-demand industries, including technology industries; and

''(B) the fields of science, mathematics, and engineering; and

''(2) to conduct outreach and coordinate with inner city and rural secondary schools to encourage students to pursue teaching as a career.

''(f) SERVICE REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall establish such requirements as the Secretary determines necessary to ensure that recipients of scholarships under this section who complete teacher education programs—

''(A) subsequently teach in a high-need local educational agency for a period of time equivalent to—

''(i) one year; increased by

''(ii) the period for which the recipient received scholarship assistance; or

''(B) repay the amount of the scholarship.

''(2) USE OF REPAYMENTS.—The Secretary shall use any such repayments to carry out additional activities under this section.

''(g) PRIORITY.—The Secretary shall give priority under this section to eligible applicants who provide an assurance that they will recruit a high percentage of minority students to become highly qualified teachers.

''SEC. 205. ADMINISTRATIVE PROVISIONS.

''(a) DURATION; ONE-TIME AWARDS; PAYMENTS.—

''(1) DURATION.—

''(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—Grants awarded to eligible States and eligible applicants under this part shall be awarded for a period not to exceed 3 years.

''(B) ELIGIBLE PARTNERSHIPS.—Grants awarded to eligible partnerships under this part shall be awarded for a period of 5 years.

''(2) ONE-TIME AWARD.—An eligible partnership may receive a grant under each of sections 203 and 204, as amended by the Teacher Training Enhancement Act, only once.

''(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

''(b) PEER REVIEW.—

''(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

''(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall—

''(A) with respect to grants under section 202, give priority to eligible States that—

''(i) have initiatives to reform State teacher certification requirements that are based on rigorous academic content, scientifically based research, including scientifically based reading research, and challenging State student academic content standards;

''(ii) have innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly qualified and have strong teaching skills; or

''(iii) have innovative efforts aimed at reducing the shortage of highly qualified teachers in high poverty urban and rural areas; and

''(B) with respect to grants under section 203—

''(i) give priority to applications from broad-based eligible partnerships that involve businesses and community organizations; and

''(ii) take into consideration—

''(I) providing an equitable geographic distribution of the grants throughout the United States; and

''(II) the potential of the proposed activities for creating improvement and positive change.

''(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which application shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out.

''(c) MATCHING REQUIREMENTS.—

''(1) STATE GRANTS.—Each eligible State receiving a grant under section 202 or 204 shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

''(2) PARTNERSHIP GRANTS.—Each eligible partnership receiving a grant under section 203 or 204 shall provide, from non-Federal sources (in cash or in kind), an amount equal to 25 percent of the grant for the first year of the grant, 35 percent of the grant for the second year of the grant, and 50 percent of the grant for each succeeding year of the grant.

''(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible State or eligible partnership that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

''SEC. 206. ACCOUNTABILITY AND EVALUATION.

''(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under section 202 shall submit an annual accountability report to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

''(1) PERCENTAGE OF HIGHLY QUALIFIED TEACHERS.—Increasing the percentage of highly qualified teachers in the State as required by section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319).

''(2) STUDENT ACADEMIC ACHIEVEMENT.—Increasing student academic achievement for all students as defined by the eligible State.

''(3) RAISING STANDARDS.—Raising the State academic standards required to enter the teaching profession as a highly qualified teacher.

''(4) INITIAL CERTIFICATION OR LICENSURE.—Increasing success in the pass rate for initial State teacher certification or licensure, or increasing the numbers of qualified individuals being certified or licensed as teachers through alternative programs.

''(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of highly qualified teachers in poor urban and rural areas.

''(6) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

''(A) improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach; and

''(B) promotes strong teaching skills.

''(7) TECHNOLOGY INTEGRATION.—Increasing the number of teachers prepared effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

''(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership applying for a grant under section 203 shall establish, and include in the application submitted under section 203(c), an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

''(1) increased student achievement for all students, as measured by the partnership;

''(2) increased teacher retention in the first 3 years of a teacher's career;

''(3) increased success in the pass rate for initial State certification or licensure of teachers;

''(4) increased percentage of highly qualified teachers; and

''(5) increasing the number of teachers trained effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of improving student academic achievement.

''(c) REVOCATION OF GRANT.—

''(1) REPORT.—Each eligible State or eligible partnership receiving a grant under section 202 or 203 shall report annually on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

''(2) REVOCATION.—

''(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—If the Secretary determines that an eligible State or eligible applicant is not making substantial progress in meeting the purposes, goals, objectives, and measures, as

appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

''(B) ELIGIBLE PARTNERSHIPS.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report annually the Secretary's findings regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

''SEC. 207. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

''(a) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—Each State that receives funds under this Act shall provide to the Secretary annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional certification or licensure programs and for alternative certification or licensure programs, which shall include at least the following:

''(1) A description of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

''(2) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.

''(3) A description of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

''(4) The percentage of students who have completed at least 50 percent of the requirements for a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment.

''(5) For students who have completed at least 50 percent of the requirements for a teacher preparation program at an institution of higher education or alternative certification program, and who have taken and passed each of the assessments used by the State for teacher certification and licensure, each such institution's and each such program's average raw score, ranked by teacher preparation program, which shall be made available widely and publicly.

''(6) A description of each State's alternative routes to teacher certification, if any, and the number and percentage of teachers certified through each alternative certification route who pass State teacher certification or licensure assessments.

''(7) For each State, a description of proposed criteria for assessing the performance of teacher preparation programs in the State, including indicators of teacher candidate skills and academic content knowledge and evidence of gains in student academic achievement.

''(8) For each teacher preparation program in the State, the number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

''(b) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (8) of subsection (a). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published and made available annually.

''(2) REPORT TO CONGRESS.—The Secretary shall report to Congress—

''(A) a comparison of States' efforts to improve teaching quality; and

''(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure.

''(3) SPECIAL RULE.—In the case of programs with fewer than 10 students who have completed at least 50 percent of the requirements for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(c) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

''(d) INSTITUTION AND PROGRAM REPORT CARDS ON QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—Each institution of higher education or alternative certification program that conducts a teacher preparation program that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional certification or licensure programs and for alternative certification or licensure programs, the following information:

''(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate of each student who has completed at least 50 percent of the requirements for the teacher preparation program on the teacher certification or licensure assessments of the State in which the institution is located, but only for those students who took those assessments within 3 years of receiving a degree from the institution or completing the program.

''(ii) A comparison of the institution or program's pass rate for students who have completed at least 50 percent of the requirements for the teacher preparation program with the average pass rate for institutions and programs in the State.

''(iii) A comparison of the institution or program's average raw score for students who have completed at least 50 percent of the requirements for the teacher preparation program with the average raw scores for institutions and programs in the State.

''(iv) In the case of programs with fewer than 10 students who have completed at least 50 percent of the requirements for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(B) PROGRAM INFORMATION.—The number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

''(C) STATEMENT.—In States that require approval or accreditation of teacher education programs, a statement of whether the institution's program is so approved or accredited, and by whom.

''(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

''(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates, including materials sent by electronic means.

''(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

''(e) DATA QUALITY.—Either—

''(1) the Governor of the State; or

''(2) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency;

shall attest annually, in writing, as to the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

''SEC. 208. STATE FUNCTIONS.

''(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 207(a).

''(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the State assessment described in subsection (a)—

''(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and

''(2) shall not be permitted to accept or enroll any student who receives aid under title IV of this Act in the institution's teacher preparation program.

''SEC. 209. GENERAL PROVISIONS.

''(a) METHODS.—In complying with sections 207 and 208, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting

and that the reporting methods do not allow identification of individuals.

''(b) SPECIAL RULE.—For each State in which there are no State certification or licensure assessments, or for States that do not set minimum performance levels on those assessments—

''(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

''(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments or pass rates.

''(c) LIMITATIONS.—

''(1) FEDERAL CONTROL PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this part.

''(2) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this part shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

''(3) NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

''SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $300,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which—

''(1) 45 percent shall be available for each fiscal year to award grants under section 202;

''(2) 45 percent shall be available for each fiscal year to award grants under section 203; and

''(3) 10 percent shall be available for each fiscal year to award grants under section 204.''.

SEC. 3. PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY.

(a) ELIGIBILITY.—Section 222(a)(3)(D) of the Higher Education Act of 1965 (20 U.S.C. 1042(a)(3)(D)) is amended by inserting ''nonprofit telecommunications entity,'' after ''community-based organization,''.

(b) PERMISSIBLE USES OF FUNDS.—Section 223(b)(1)(E) of the Higher Education Act of 1965 (20 U.S.C. 1043(b)(1)(E)) is amended to read as follows:

''(E) To use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 224 of the Higher Education Act of 1965 (20 U.S.C. 1044) is amended by striking ''each of fiscal years 2002 and 2003.'' and inserting ''fiscal year 2004 and each of the 4 succeeding fiscal years.''.

SEC. 4. CENTERS OF EXCELLENCE.

Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

''PART C—CENTERS OF EXCELLENCE

''SEC. 231. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are—

''(1) to help recruit and prepare teachers, including minority teachers, to meet the national demand for a highly qualified teacher in every classroom; and

''(2) to increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers.

''(b) DEFINITIONS.—As used in this part:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

''(A) an institution of higher education that has a teacher preparation program that meets the requirements of section 203(b)(2) and that is—

''(i) a part B institution (as defined in section 322);

''(ii) a Hispanic-serving institution (as defined in section 502);

''(iii) a Tribal College or University (as defined in section 316);

''(iv) an Alaska Native-serving institution (as defined in section 317(b)); or

''(v) a Native Hawaiian-serving institution (as defined in section 317(b));

''(B) a consortium of institutions described in subparagraph (A); or

''(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 232 is located at an institution described in subparagraph (A).

''(2) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(3) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

''(4) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''SEC. 232. CENTERS OF EXCELLENCE.

''(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

''(b) USE OF FUNDS.—Grants provided by the Secretary under this part shall be used to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

''(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

''(A) retraining faculty; and

''(B) designing (or redesigning) teacher preparation programs that—

''(i) prepare teachers to close student achievement gaps, are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

''(ii) promote strong teaching skills.

''(2) Providing sustained and high-quality preservice clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

''(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

''(A) teacher or principal mentoring from exemplary teachers or principals; or

''(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

''(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

''(5) Disseminating information on effective practices for teacher preparation and successful teacher certification and licensure assessment preparation strategies.

''(6) Activities authorized under sections 202, 203, and 204.

''(c) APPLICATION.—Any eligible institution desiring a grant under this section shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information the Secretary may require.

''(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this part shall be $500,000.

''(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this part.

''SEC. 233. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $10,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 5. TRANSITION.

The Secretary of Education shall take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4409.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4409, the Teacher Training Enhancement Act, a bipartisan bill that seeks to meet the call of the No Child Left Behind Act to place a highly qualified teacher in every classroom. It makes improvements to title II of the Higher Education Act to help ensure teacher-training programs are producing well-prepared teachers to meet the needs of America's students.

I commend my colleague, the gentleman from Georgia (Mr. GINGREY), for his leadership and commitment to

this important issue for our teachers. There is widespread awareness that the subject matter knowledge and teaching skills of teachers play a central role in the success of elementary and secondary education reform.

More than half of the 2.2 million teachers that America's schools will need to hire over the next 10 years will be first-time teachers, and they will need to be well prepared for the challenges of today's classrooms. For these reasons, the Nation's attention is increasingly focused on the role that institutions of higher education and States play in ensuring that new teachers have the content knowledge and teaching skills they need to ensure that all students are held to higher standards.

Accordingly, building on current law, the Teacher Training Enhancement Act authorizes three types of teacher training grants that each play a unique, yet critical, role in the education of tomorrow's teachers. State grant funds must be used to reform teacher preparation requirements and ensure that current and future teachers are highly qualified. Partnership grants allow effective partners to join together combining strengths and resources to train highly qualified teachers and achieve success where it matters most, in the classroom. Teacher recruitment grants help bring high-quality individuals into teacher programs and ultimately put more highly qualified teachers in the classrooms.

H.R. 4409 includes a new program to authorize grants for the creation of teacher preparation programs at minority-serving institutions around the country. This new Centers of Excellence program will help to increase teacher recruitment and make institutional improvements to teacher preparation programs at minority-serving institutions.

This legislation also includes activities authorized under the Preparing Tomorrow's Teachers to Use Technology program, which is part B of title II of the Higher Education Act. This program was updated and transferred to the Higher Education Act during consideration of the No Child Left Behind Act during the 107th Congress. The purpose of this program is to prepare prospective teachers to use advanced technology to prepare all students to meet challenging State and local academic content and student academic achievement standards.

In general, the Teacher Training Enhancement Act focuses on three key objectives: accountability, flexibility, and effectiveness to improve the quality of teacher preparation. The bill bolsters accountability requirements in current law to ensure States, schools, and prospective teachers have access to accurate and reliable data about the quality of teacher-training programs.

□ 1315

The bill also recognizes the need for flexibility in methods used for training highly qualified teachers and for that reason allows funds to be used for innovative methods in teacher-preparation programs which can provide an alternative gateway for teachers to become highly qualified. Pioneering programs such as charter colleges of education would also implement systems to gauge the true measure of teacher effectiveness, the academic achievement of students.

In addition to strengthening accountability measures, the Teacher Training Enhancement Act increases the effectiveness and quality in teacher training programs by including provisions to focus training on the skills and knowledge needed to prepare highly qualified teachers. The bill places a renewed emphasis on a broad range of skills required for effective teaching, such as the use of advanced technology in the classroom, rigorous academic content knowledge, scientifically based research, and challenging State student academic content standards.

Teacher-preparation programs have a great deal of responsibility in contributing to the preparation of our Nation's teachers, and this bill will make sure they are meeting their responsibilities. We owe our teachers the opportunities they are seeking to become highly qualified and ready to teach.

Mr. Speaker, I strongly support this bill, and I urge my colleagues to vote ''yes.'' We stand in solidarity and support of America's school teachers.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think I have seen this movie before. It was known at that time as H.R. 2211. It brings to mind, if I could sing I might sing it, but it seems to me I heard this song before. It is from an old familiar score. However, despite the fact that we are running this bill through again, the substance of this bill is certainly acceptable to this side.

I know this because, as I say, we voted on this before. It is over in the Senate under its previous title. In fact, we voted on this exact bill a few months ago. I think it was last year this House reported the bill by a vote of 404 to 17. And I would hope we would get even more votes on this second time around today. I intend to support this bill today again.

Why are we doing this? Why pass the exact same bill in the same Congress? Why is the House starting to repass the same bills in the same Congress? I do not think we have had a constitutional amendment that if a bill passes one House twice, it goes straight to the President, but nevertheless we are doing that. No one, however, watching this debate today should be fooled by it. We are not breaking new ground with this bill. In fact, we are not really even legislating.

The action taken by the House today on this bill and the other two bills that will follow are really unnecessary. Rather than wasting our time repassing legislation, as we are today, we should be investing in America's students and America's families. This investment would mean increasing Pell grants, holding down tuition, and allowing all students to benefit from today's low interest rates. The buying power of today's Pell grant is $500 less in real terms than these grants were worth 30 years ago.

President Bush has frozen the maximum Pell grant over the last 3 years. This bill does not add a single dime to Pell grants. Instead of expanding college access through increased Pell funding, we are repassing bills already passed by the House. Tuition has skyrocketed as States cut their higher education budgets. Tuition has risen by more than 30 percent since 2001. The Republican answer, repass bills already considered by the House.

We are at a time of historically low interest rates, the lowest in a generation. Some individuals who have previously consolidated their students loans now cannot benefit from these low rates. Instead, they are trapped with student loans at high interest rates. Is this legislation going to allow these students to reconsolidate their student loans at today's low interest rates? The answer is no. Instead of reducing the cost of college, this Congress is repassing bills already passed by this House.

Mr. Speaker, I again want to say that I am going to support the legislation which is before us today. However, we are simply squandering our time and resources by repassing this bill. This legislation is not making a single improvement to our higher education programs, nor does it ensure that a single teacher is more qualified.

Again, Mr. Speaker, though I have seen this movie before, I will support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, to respond to the refrain from the other side, my good friend, the gentleman from Michigan (Mr. KILDEE), has heard this hymn before. I have heard the song that we just heard before. I would say in the last 3 years we have increased Pell grants $1 billion a year. And in the last 8 years we have almost doubled the amount of money going into Pell grants and doubled the amount of young people in our country that are receiving Pell grants.

Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. GINGREY), the author of my bill, my friend and colleague.

Mr. GINGREY. Mr. Speaker, let me thank the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness, and I appreciate his great work on this legislation, as well as the gentleman from Michigan for this bipartisan bill.

I rise today in support of H.R. 4409, the Teacher Enhancement Act. It is a

bill I am proud to offer on behalf of our Nation's school teachers. H.R. 4409 will help ensure teacher-training programs produce well-prepared teachers to meet the needs of America's students.

The goals of the Teacher Training Enhancement Act are to increase student achievement, academic achievement, improve the quality of the current and future teacher workforce by improving teacher preparation and enhancing professional development activities, hold teacher-preparation programs accountable for preparing highly qualified teachers, and recruit highly qualified individuals from diverse ethnic and occupational backgrounds into the teaching profession.

As in current law, H.R. 4409 authorizes three types of competitive grant programs: the State grants, partnership grants, and teacher recruitment grants. The State grant funds must be used to reform teacher-preparation requirements, coordinate with the activities set forth under title II of the No Child Left Behind Act, and ensure that current and future teachers are indeed highly qualified. Programs administered through State grants will focus on effective teacher preparation, placing a renewed emphasis on the skills needed to meet the highly qualified standard.

The partnership grants allow effective partners to join together, combining strengths and resources to train highly qualified teachers and to achieve success in the classroom. Eligible partnerships now must include four partners: a high qualified teacher-preparation program at an institution of higher education; second, a college of arts and sciences; third, a high-need local education agency; and, this is new, fourth, a public or a private education organization.

These partnerships will require the faculty of the teacher-preparation program to serve with a highly qualified teacher in the classroom, allowing effective in-class experience to ensure that we do have highly qualified teachers who are truly prepared to teach.

As we work to hold teacher-preparation programs accountable for preparing teachers, the need to recruit individuals into the teaching profession will only increase. Teacher recruitment grants will help bring high-quality individuals into teaching programs and ultimately put more highly qualified teachers into the classroom. H.R. 4409 recognizes the need to ensure high-need local educational agencies are able to effectively recruit highly qualified teachers and will help answer that need by increasing the number of teachers being trained.

This bill also includes a new program which is based on provisions submitted to the Committee on Education and the Workforce by the United Negro College Fund and the Hispanic Education Coalition to authorize a teacher-preparation Center of Excellence at minority-serving institutions. This program will increase teacher recruitment and make institutional improvements to teacher-preparation programs at minority-serving institutions.

While current higher education law contains annual reporting and accountability requirements for institutions of higher education, these measures have proven ineffective in determining the true quality of teacher-preparation programs. H.R. 4409 adds an accountability provision to the Higher Education Act that will strengthen these current law provisions and hold teacher-preparation programs accountable for providing accurate and useful information about the quality of their program.

The bill is specifically designed to align teacher-preparation programs with the high standards for accountability on the results provided for in No Child Left Behind. The Teacher Training Enhancement Act places a strong focus on the quality of teacher preparation, and a renewed emphasis on the skills needed to meet the ''highly qualified'' definition found in No Child Left Behind.

H.R. 4409 recognizes flexibility should exist in the methods used for training highly qualified teachers, and it allows funds to be used for innovative teacher-preparation programs such as charter colleges which can provide an alternative gateway for teachers to become highly qualified.

The future competitiveness of our Nation will depend on our ability to strengthen education at all levels. We need to prepare our teachers so that they may fulfill the high standards for students' achievement outlined in the No Child Left Behind Act.

I am pleased, Mr. Speaker, to be offering this bill today which takes a step in the right direction to ensure that the teachers of tomorrow have access to the high-quality training they need and deserve. And I encourage my colleagues to vote ''yes'' on this bill and stand in support of America's teachers.

Mr. KILDEE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY), the ranking member on the Subcommittee on Education Reform.

Ms. WOOLSEY. Mr. Speaker, you do not have to be a baseball fan to be familiar with those famous words of Yogi Berra, ''It is like deja vu all over again.''

Why are we back here on the House floor for a second time to consider bills to reauthorize teacher education and graduate education in the Higher Education Act?

The House has already passed these bills. It is time to move forward. It is time to address the real needs of students. Those real needs are to make higher education more accessible and more affordable. College tuition and college tuition fees have increased by almost 30 percent over the last 3 years. At State schools last year, 49 of the 50 States increased tuition. The average student debt is now almost $19,000, up 66 percent since 1997. Nearly half of all working postsecondary students work more than 25 hours a week in order to afford to stay in school.

What solutions do my colleagues on the other side of the aisle have for American students? They bring back for the second time two perfectly fine bills that the House has already passed and that do nothing to make college more affordable.

What they do not bring to this House floor is H.R. 4283, which would reauthorize the student loan programs. Well, it is not hard to understand why my colleagues do not want a public debate on that bill. H.R. 4283 freezes through the year 2011 the maximum Pell grant, the greatest source of postsecondary funding for low-income students. It would eliminate the current fixed rate on consolidated loans which will force most student borrowers to pay $5,500 more on their student loans.

□ 1330

It raises interest rates on all student loans, and it does nothing to address the problem of rapidly rising tuition.

Mr. Speaker, certainly, many in the Chamber should be talking about higher education, how to help more students go to college, how to help more students pay for college, not a tired replay of the debate on these two bills. So do not vote for it. Insist that we do something more.

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), who comes from an experience as a teacher, as professor, as a coach.

Mr. OSBORNE. Mr. Speaker, I would like to thank the gentleman from California (Mr. MCKEON) and also the gentleman from Georgia (Mr. GINGREY) for bringing this bill to the floor. It seems like we get involved in extraneous arguments here and do not pay attention to the specific bill before us. I am sure we will eventually get to student loans and Pell grants as time goes on.

I am particularly interested in two aspects of this bill. As my colleague mentioned, I did serve as a faculty member, 2 years as a young man in graduate school, and then just 3 years ago I again was in a teacher's college for 2 years. So really there are two aspects of this bill that are very interesting to me.

One is the issue of accountability. Because we give Federal grants to colleges and universities for teacher training, and oft-times we really have no rating as to what the results are. So, as the gentleman from Georgia (Mr. GINGREY) and as the Chairman have mentioned, accountability is a big part of this bill. So this is done by comparing one college, one university with another, which I think is very important, State-by-State comparison.

Then, of course, the Secretary of Education must report to Congress each year on the overall state of the Nation's teacher training. Some colleges and universities do a great job of

training teachers, and some really do a rather poor job, and I think that will eventually show up.

The second main point of encouragement here is I serve a very rural district, a lot of small schools, roughly 400 that have 600 or less students. So, as a result, most of these school districts do not have somebody teaching advanced math, they do not have somebody teaching Russian, they do not have somebody teaching German, they have nobody teaching physics, and so it has to be done by distance learning. A big part of this bill is to ensure competence on the part of teachers in terms of technology, the ability to deliver successfully classroom education via ESUs and via the Internet. So I think this is really going to serve those schools that are widely dispersed and those students that are served in very small schools very well.

This is a well-crafted piece of legislation. I want to congratulate the Chairman and the author.

Mr. KILDEE. Mr. Speaker, on this summer rerun I now yield as much time as he may consume to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague for the time.

I think it is very important that the American people understand the charade that the Republican leadership is engaged in here today. The two education bills that are being taken up this afternoon, as my colleague has said, are identical to the education bills that this House has already passed by large margins. They have simply been repackaged, dressed up and trotted out again as if they were something new, but this bill we are considering now was passed last year by the House by an overwhelming vote of 404 to 17.

I do not think anyone has changed their mind in the House. This is a good bill, and it should be passed once again, but those who are close followers of the House of Representatives will begin to see a pattern here. Just 3 weeks ago, the House leadership brought out three other pieces of legislation at that time which were ostensibly health-related issues; and, again, those were three pieces of health legislation that had already passed the House of Representatives.

So what is going on? Why are we doing this? Why are we wasting taxpayer dollars? Why are we tying up the time of the House of Representatives on useless, unnecessary and meaningless exercises?

There is only one answer here, which is to create the illusion with the American people that the House of Representatives, that the House Republican leadership is actually doing something new to improve the higher education system and expand access to college and universities. We should not be wasting taxpayer dollars on what is simply a PR ploy, a cynical ploy.

We are facing many challenges in this country. We are facing challenges abroad. We are facing challenges here at home. In the area of education, we should get about the business of fully funding No Child Left Behind. This year's budget is $9 billion short that was submitted by the White House. Let us fully fund that.

Let us do something about the growing opportunity gap in higher education. We have got rising tuitions around the country. Federal support for students has been going down in real terms. Let us try and close that gap, but, instead, we are doing, as my colleagues have said, reruns, summer reruns.

This bill today accomplishes nothing new. That is bad enough. What is worse is that we are trying to create the impression that we are doing something new.

Sadly, it is a procedural hoax. It is an example of waste, fraud and abuse: waste of taxpayer dollars to be here and abusing the time of the House, a fraud on the American people in that we are trying to tell them we are doing something new when we just did this last year. We do not have to be doing it again. Abuse of process because we are taking the same bills, just giving them new bill numbers and telling people we are going to do something again.

So I think that whether a person is a Democrat or a Republican or Independent they should be offended by this farce. We should get about the business of doing something new in the area of education, the area of higher education, do something about the big problems we face in this country and not going through meaningless exercises to try and create the impression that something is new.

Madison Avenue would be very jealous of what is happening here today in terms of trying to create an impression that something is being done when it is not.

Mr. MCKEON. Mr. Speaker, I am happy that we are here today working on something to help better our teachers and better education for our young people.

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. BURNS), a strong member of the committee, a person who was a college professor for 20 years and knows what he is speaking about.

Mr. BURNS. Mr. Speaker, I thank the gentleman for yielding the time. I thank the gentleman for bringing this legislation to the floor.

I sat here and I listened to the rhetoric from the other side, and they do not seem to get it. They do not seem to get that education is important to America. They do not seem to get the fact that, as we improve education and teacher training, we can improve America. They do not seem to get the fact that it is important that the future of our Nation depends on education.

I want to speak specifically to a portion of this legislation that we worked out with our colleagues from the other side; and that is the demand for more ethnically and culturally diverse, highly qualified teachers. It is critical, especially as the significant growth in the numbers of minority students in K through 12 is present across our Nation.

Opportunities that increase the numbers of minority teachers and enhance their training will support the broader strategies to enhance instructional opportunities for and can help to eliminate the achievement gaps of minority students.

According to part C of H.R. 4411, it authorizes the creation of centers of excellence at high-quality, minority-serving institutions.

During the discussion of H.R. 2211, the Ready to Teach Act, the bill that we are discussing from last year, I offered an amendment that was cosponsored by the gentleman from New York (Mr. OWENS) and the gentleman from Texas (Mr. HINOJOSA) that authorizes grants for teacher preparation at centers of excellence that are based on language that was submitted by the committee or to the committee by the United Negro College Fund and the Hispanic Education Coalition.

I am pleased that the bill before the House today, H.R. 4409, the Teacher Enhancement Training Act, also contains this important new program.

I believe that these centers of excellence will provide minority-serving institutions that have demonstrated a record of preparing highly qualified teachers with a leadership role in recruiting and preparing those teachers and increase the opportunities for Americans of all educational, of all ethnic and of all geographic backgrounds to become highly qualified teachers.

In general, the purpose of these centers are to increase teacher recruitment at minority-serving institutions and make institutional improvements to teacher preparation programs at these schools.

Mr. Speaker, I have two HBCUs in the 12th district. Paine College in Augusta and Savannah State University in Savannah will both benefit from this legislation. They provide grants. Grants are competitively awarded to high-quality teacher preparation programs at HBCUs, the Historically Black Colleges and Universities, Hispanic-Serving Institutions, Tribally-Controlled Colleges and Universities, Alaska Native-Serving Institutions and the Native Hawaiian-Serving Institutions.

This is a good bill. It provides a positive reinforcement for the future for teachers and teacher training and for minorities across our Nation. These grants can be used for numerous opportunities at these institutions to enhance and create opportunities for minorities in the teaching environment: reforms within teacher preparation programs; high-quality preservice clinical experiences; initiatives that promote the retention of highly qualified

teachers and principals; and scholarships to help teachers pay for tuition, room, board and other experiences.

Mr. Speaker, I urge my colleagues to support this legislation, to support minority-serving institutions and vote yes for H.R. 4409, the Teacher Training Enhancement Act.

Mr. BOEHNER. Mr. Speaker, I rise in support of H.R. 4409, the Teacher Training Enhancement Act, and I would like to thank the gentleman from Georgia [Representative GINGREY] for his leadership on this issue. The bill before us complements the No Child Left Behind Act and will help to improve the quality and accountability of our nation's teacher preparation programs.

In exchange for significant new funding, the No Child Left Behind Act calls on states to place a highly qualified teacher in every public school classroom by the 2005–2006 school year. We can all agree highly qualified teachers play a pivotal role in the successful education of our nation's children, and those children deserve nothing less than the best.

Congress has kept its word to increase funding to help ensure teachers can become highly qualified—in fact, funding for teacher quality grants increased by 35 percent in the first year of No Child Left Behind alone. We're providing the resources, and this bill will build on that effort by ensuring our teachers are highly qualified and prepared to teach.

There is no doubt highly qualified teachers are essential if we are to provide every child in America with a high quality education. In fact, the future competitiveness of our workforce is directly dependent on the quality of education in our schools. Today's students are tomorrow's workers, and highly qualified teachers play a vital role in providing our students with the skills and knowledge they need to succeed. Yet the nation's teacher training programs suffer from a serious lack of accountability, and this time it's the teachers who are being left behind.

The bill before us today takes important steps to ensure teacher training programs are giving prospective teachers the skills and knowledge they need to meet the highly qualified standard in No Child Left Behind. Let's be clear on this point: this bill is about supporting our teachers. We're expecting a lot from them, and they deserve high quality training programs that will ensure they are ready to teach when they step into the classroom.

This legislation makes several improvements to Title II of the Higher Education Act to strengthen the programs that train the teachers of tomorrow. This bill is about helping teachers, pure and simple—giving them the tools and training they need to meet the needs of the nation's students.

H.R. 4409 authorizes competitively awarded grants under the Higher Education Act to: increase the quality our teaching force by improving teacher preparation and enhancing professional development; hold teacher preparation programs accountable for preparing highly qualified teachers; and recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.

The Teacher Training Enhancement Act ensures program effectiveness can be accurately measured and places a renewed emphasis on the skills needed to meet the "highly qualified" standard found in the No Child Left Behind Act. This includes areas such as: the use of advanced technology in the classroom, rigorous academic content knowledge, scientifically based research, and challenging state student academic standards.

Under this bill, funds can also be used to recruit individuals, and specifically minorities, into the teaching profession. This bill allows for the creation of Centers of Excellence at high quality minority serving institutions. These Centers of Excellence will help increase teacher recruitment and strengthen teacher preparation programs at minority serving institutions.

As we work to place highly qualified teachers in classrooms across the nation, I'm particularly pleased that the Teacher Training Enhancement Act allows for innovative programs that provide alternative options to the traditional teacher training programs. Proposals outlined in the bill, such as charter colleges of education, provide a much-needed alternate route to training highly qualified and effective teachers.

This bill recognizes that individuals seeking to enter the teaching profession often have varied backgrounds. And by creating flexible approaches that step outside the box, these individuals can become highly qualified teachers through training programs as unique as their individual experiences.

H.R. 4409 will also bolster accountability so that the effectiveness of teacher training programs can be measured. While current higher education law contains annual reporting requirements, these measures have proven ineffective in gauging the true quality of teacher training programs. In fact, the current requirements have sometimes been manipulated, leaving data skewed and often irrelevant. This bill will strengthen reporting measures and hold teacher preparation programs accountable for providing accurate and useful information.

A highly educated workforce is critical to America's future competitiveness. And the quality of education is directly related to the quality of teachers entrusted with the vital task of educating our students. I've said it before and I'll say it again; we are expecting a lot from teachers, and they deserve our full support. This bill will do exactly that—support the teachers of tomorrow, and the teaching profession as a whole, by strengthening teacher training. Our teachers deserve it, our schools deserve it, and our students deserve it. Mr. Speaker, I strongly support this bill and encourage my colleagues to do the same.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 4409, the Teacher Training Enhancement Act, which will strengthen teacher training programs to ensure teachers are highly-qualified and ready to teach when they enter the classroom.

A year and a half ago, the President signed the No Child Left Behind Act into law. Ever since states and school districts across the country have been answering its call to reform. The Teacher Training Enhancement Act follows the momentum of No Child Left Behind and meets its requirement to place a highly qualified teacher in every classroom. A requirement of great import, as the value of a qualified teacher on a student's ability to learn has been proven, over and over again. H.R. 4409 achieves this by making improvements to the Higher Education Act to help ensure teacher training programs are producing highly qualified teachers to meet the needs of America's students.

All states and nearly all teacher education programs in the country are affected by general accountability provisions in this legislation. Schools receiving federal funds must report annually on the quality of teacher preparation, including information on the pass rates of their graduates on initial certification assessments. Higher education institutions enrolling federally-aided students in their teacher preparation programs must report annually detailing, among other things, the certification pass rates of graduates.

Unfortunately, this data has proven ineffective in measuring the true quality of teacher preparation programs. Current requirements have often been manipulated, leaving data skewed and often irrelevant. For example, if a student fails to pass the state certification exam, upon completion of the institution's program, the school will award them a degree in another field rather than in education. A school will only award students an education degree if that student has passed the state exam. That way, the school will always have a 100 percent pass rate. H.R. 4409 sets forth more useful information. This includes requiring a school to report on all students who have completed 50 percent of the program and requiring an average score of students rather than the pass rates.

We are fortunate in the State of Delaware to have the University of Delaware's Elementary Teacher Education program. In many ways the University of Delaware has already begun to address the need to have a highly qualified teacher in our classrooms. They have been innovative and forward thinking always recognizing the importance of providing their students with a strong academic base as well as a practical experience.

In their freshman year at the University of Delaware, students participate in field experiences in the school setting. Freshmen have the opportunity to observe, tutor, and offer general assistance in the classroom. As sophomores and juniors, the experiences include planning, implementing, and assessing limited instructional units with small groups or an entire class. As seniors, students become engaged in an extended student teaching experience.

Technology is integrated throughout the curriculum and all students will graduate with the skills necessary to utilize technology in their instructional planning. The Elementary Teacher Education program's goal is to prepare teachers who are reflective practitioners serving a diverse community of learners as scholars, problem solvers and partners.

I am committed to ensuring No Child Left Behind is a success for America's children. The Committee and this Congress have been working since passage to ensure other laws in the education arena are aligned with No Child Left Behind. We have accomplished this with IDEA, Head Start and hopefully today with the Teacher Training Enhancement Act. I encourage my colleagues to support H.R. 4409.

Mr. KILDEE. Mr. Speaker, I strongly support this carbon copy of H.R. 2211 and urge its adoption; and I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I have no further requests for time. I ask that my colleagues support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion

offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 4409.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRIORITIES FOR GRADUATE STUDIES ACT OF 2004

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4411) to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes.

The Clerk read as follows:

H.R. 4411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Priorities for Graduate Studies Act of 2004''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 2. JAVITS FELLOWSHIP PROGRAM.

(a) INTERRUPTIONS OF STUDY.—Section 701(c) (20 U.S.C. 1134(c)) is amended by adding at the end the following new sentence: ''In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or not more than 12 months (in any other case), but without payment of the stipend.''.

(b) ALLOCATION OF FELLOWSHIPS.—Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended—

(1) in the first sentence, by inserting ''from diverse geographic regions'' after ''higher education''; and

(2) by adding at the end the following new sentence: ''The Secretary shall also assure that at least one representative appointed to the Board represents an institution that is eligible for a grant under title III or V of this Act.''.

(c) STIPENDS.—Section 703 (20 U.S.C. 1134b(a)) is amended—

(1) in subsection (a)—

(A) by striking ''1999–2000'' and inserting ''2004–2005'';

(B) by striking ''shall be set'' and inserting ''may be set''; and

(C) by striking ''Foundation graduate fellowships'' and inserting ''Foundation Graduate Research Fellowship Program''; and

(2) in subsection (b), by amending paragraph (1)(A) to read as follows:

''(1) IN GENERAL.—(A) The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be, for 2004–2005 and succeeding academic years, the same amount as the institutional payment made for 2003–2004 adjusted for 2004–2005 and annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 705 (20 U.S.C. 1134d) is amended by striking ''fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

SEC. 3. GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.

(a) DESIGNATION OF AREAS OF NATIONAL NEED; PRIORITY.—Section 712 (20 U.S.C. 1135a) is amended—

(1) in the last sentence of subsection (b)—

(A) by striking ''and an assessment'' and inserting ''an assessment''; and

(B) by inserting before the period at the end the following: '', and the priority described in subsection (c) of this section''; and

(2) by adding at the end the following new subsection:

''(c) PRIORITY.—The Secretary shall establish a priority for grants in order to prepare individuals for the professoriate who will train highly-qualified elementary and secondary school teachers of math, science, and special education, and teachers who provide instruction for limited English proficient individuals. Such grants shall offer program assistance and graduate fellowships for—

''(1) post-baccalaureate study related to teacher preparation and pedagogy in math and science for students who have completed a master's degree or are pursuing a doctorate of philosophy in math and science;

''(2) post-baccalaureate study related to teacher preparation and pedagogy in special education and English language acquisition and academic proficiency for limited English proficient individuals; and

''(3) support of dissertation research in the fields of math, science, special education, or second language pedagogy and second language acquisition.''.

(b) COLLABORATION REQUIRED FOR CERTAIN APPLICATIONS.—Section 713(b) (20 U.S.C. 1135b) is amended—

(1) by striking ''and'' at the end of paragraph (9);

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new paragraph:

''(10) in the case of an application for a grant by a department, program, or unit in education or teacher preparation, contain assurances that such department, program, or unit collaborates with departments, programs, or units in all content areas to assure a successful combination of training in both teaching and such content; and''.

(c) STIPENDS.—Section 714(b) (20 U.S.C. 1135c(b)) is amended—

(1) by striking ''1999–2000'' and inserting ''2004–2005'';

(2) by striking ''shall be set'' and inserting ''may be set''; and

(3) by striking ''Foundation graduate fellowships'' and inserting ''Foundation Graduate Research Fellowship Program''.

(d) ADDITIONAL ASSISTANCE.—Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking ''1999–2000'' and inserting ''2004–2005''; and

(2) by striking ''1998–1999'' and inserting ''2003–2004''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 716 (20 U.S.C. 1135e) is amended by striking ''fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

(f) TECHNICAL AMENDMENTS.—Section 714(c) (20 U.S.C. 1135c(c)) is amended—

(1) by striking ''section 716(a)'' and inserting ''section 715(a)''; and

(2) by striking ''section 714(b)(2)'' and inserting ''section 713(b)(2)''.

SEC. 4. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

(a) CONTRACT AND GRANT PURPOSES.—Section 721(c) (20 U.S.C. 1136(c)) is amended—

(1) by amending paragraph (2) to read as follows:

''(2) to prepare such students for study at accredited law schools and assist them with the development of analytical skills and study methods to enhance their success and promote completion of law school;'';

(2) by striking ''and'' at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(6) to award Thurgood Marshall Fellowships to eligible law school students—

''(A) who participated in summer institutes authorized by subsection (d) and who are enrolled in an accredited law school; or

''(B) who are eligible law school students who have successfully completed a comparable summer institute program certified by the Council on Legal Educational Opportunity.''.

(b) SERVICES PROVIDED.—Section 721(d)(1)(D) (20 U.S.C. 1136(d)(1)(D)) is amended by inserting ''in analytical skills and study methods'' after ''courses''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 721(h) (20 U.S.C. 1136(h)) is amended by striking ''1999 and each of the 4 succeeding fiscal years'' and inserting ''2004 and each of the 5 succeeding fiscal years''.

(d) GENERAL PROVISIONS.—Subsection (e) of section 731 (20 U.S.C. 1137(e)) is repealed.

SEC. 5. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

(a) CONTRACT AND GRANT PURPOSES.—Section 741(a) (20 U.S.C. 1138(a)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) the encouragement of the reform and improvement of, and innovation in, postsecondary education and the provision of educational opportunity for all, especially for the non-traditional student populations;'';

(2) in paragraph (2), by inserting before the semicolon at the end the following: ''for postsecondary students, especially those that provide academic credit for programs'';

(3) by amending paragraph (3) to read as follows:

''(3) the establishment of institutions and programs based on the technology of communications, including delivery by distance education;''; and

(4) by amending paragraph (6) to read as follows:

''(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering postsecondary institutions and pursuing programs of postsecondary study tailored to individual needs;''.

(b) AREAS OF NATIONAL NEED.—Section 744(c) (20 U.S.C. 1138c(c)) is amended by striking paragraph (4) and inserting the following:

''(4) International cooperation, partnerships, or student exchange among postsecondary educational institutions in the United States and abroad.

''(5) Establishment of academic programs including graduate and undergraduate courses, seminars and lectures, support of research, and development of teaching materials for the purpose of supporting faculty and academic programs that teach traditional American history (including significant constitutional, political, intellectual, economic, diplomatic, and foreign policy

trends, issues, and documents; the history, nature, and development of democratic institutions of which American democracy is a part; and significant events and individuals in the history of the United States).

''(6) Support for planning, applied research, training, resource exchanges or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to enable institutions of higher education to work with private and civic organizations to assist communities to meet and address their pressing and severe problems, including economic development, community infrastructure and housing, crime prevention, education, healthcare, self sufficiency, and workforce preparation.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 745 (20 U.S.C. 1138d) is amended by striking ''$30,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''$40,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years'' .

SEC. 6. URBAN COMMUNITY SERVICE.

Part C of title VII (20 U.S.C. 1139 et seq.) is repealed.

SEC. 7. DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

(a) SERVING ALL STUDENTS WITH DISABILITIES.—Section 762(a) (20 U.S.C. 1140a(a)) is amended by striking ''students with learning disabilities'' and inserting ''students with disabilities''.

(b) AUTHORIZED ACTIVITIES.—

(1) AMENDMENT.—Section 762(b)(2) is amended—

(A) in subparagraph (A), by inserting ''in order to improve retention and completion'' after ''disabilities'';

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (E), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative, effective, and efficient teaching methods and strategies to ensure the smooth transition of students with disabilities from high school to postsecondary education.''; and

(D) by inserting after subparagraph (C) (as redesignated by subparagraph (B) of this paragraph) the following new subparagraph:

''(D) DISTANCE LEARNING.—The development of innovative, effective, and efficient teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of electronic communication for instruction and advisement.''.

(2) CONFORMING AMENDMENT.—Section 762(b)(3) is amended by striking ''subparagraphs (A) through (C)'' and inserting ''subparagraphs (A) through (E)''.

(c) APPLICATIONS.—Section 763 (20 U.S.C. 1140b) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) a description of how such institution plans to address the activities allowed under this part;'';

(2) by striking ''and'' at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(4) a description of the extent to which an institution will work to replicate the best practices of institutions of higher education with demonstrated success in serving students with disabilities.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 765 (20 U.S.C. 1140d) is amended by striking ''fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4411.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4411, the Priorities for Graduate Studies Act, which builds on the success of the graduate programs currently authorized under title VII of the Higher Education Act and also helps to fulfill the demand for highly qualified teachers at the K–12 level.

I want to commend my colleague, the gentleman from Georgia (Mr. BURNS), a valuable member of the committee, for his work on this important piece of legislation.

I am particularly pleased that this bill has the potential not only to enhance graduate education but to build on the strength of education at all levels by helping to increase study of subject areas facing particular shortages in elementary and secondary schools.

This bill complements H.R. 4409, the Teacher Training Enhancement Act, which we have considered here today. Bringing these two bills forward is our declaration that supporting America's schoolteachers is a priority for our committee and for the U.S. House of Representatives.

We know that an important part, important key to placing highly qualified teachers in every public classroom called for by the bipartisan No Child Left Behind Act is having adequate faculty available to train the teachers of tomorrow. This is particularly important in subject areas facing severe shortages.

If we are serious about ensuring every child learns from a highly qualified teacher, we must address the issue in a comprehensive manner. Elementary and secondary classrooms across the Nation are facing severe shortages of highly qualified teachers, particularly in high-demand subject areas. States and schools tell us they are struggling to find highly qualified math, science and special education teachers.

To address these shortages head-on, this bill places a priority on these particular subject areas, ensuring that our investment in graduate education continues to improve education at all levels in America.

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Although I believe the role education plays in creating a pipeline of highly qualified teachers is extremely important, the many other benefits of graduate education cannot be overlooked. As we enter the 21st century, the need for advanced education is becoming increasingly vital to successfully maintaining our place in the technologically advanced economy. The future competitiveness of our Nation will depend on successfully educating our workforce and fostering continued breakthroughs through education.

Now more than ever our citizens are obtaining graduate degrees in order to obtain more expertise in their field of study. This bill will help ensure the continued availability of such graduate study opportunities for students.

As we move forward with the reauthorization of the Higher Education Act, we must continue to build on the success of these valuable programs that prepare the next generation of scholars. We have expressed our support for our teachers before and we stand united today to continue that support and urge our colleagues in the other body to do the same.

Graduate education is essential to maintaining our economic leadership as well as ensuring the success of education reform in classrooms across America. I hope my colleagues will join me in supporting this bill and the continued success of graduate education.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have been here before. We have already voted on this legislation. As with the last bill, this legislation has already passed this House. Less than 1 year ago, this House reported the exact bill by a good bipartisan voice vote. That bill also improved our graduate programs. While this is a worthwhile goal, today's action does not actually move us further toward these improvements.

I am going to support this bill today, but there is a more important question for this body: Why are we repassing legislation? During the last bill we considered, I asked this very question. Since I did not get a satisfactory answer then, I really do not expect to get one now. But rather than wasting our time, Mr. Speaker, repassing legislation, we should be investing in America's families.

During the last bill, I talked about some much-needed improvement to our higher-education programs that this Congress should be considering. Now I will spend my time on how this Republican Congress and the Bush administration has not provided economic security for the American worker and their families.

The Republican Congress and the Bush administration have refused to provide extended unemployment benefits to those workers who have exhausted their initial benefits. Despite the fact that 1.5 million workers have exhausted their benefits, this Congress has refused to act. These workers who have lost their jobs due to outsourcing and the sour economy do not have the financial security to provide for their families. This Congress and the administration continue to turn a blind eye.

The real root of the problem for today's American workers is that there are not any jobs. I was in my hometown of Flint, Michigan, this past weekend; and I went into McDonald's and ordered the No. 9. They were hiring, but General Motors is not hiring. The really good jobs are not there.

There are 8.2 million individuals now unemployed. On his watch, President Bush has lost 2 million jobs. That is a staggering figure when you stop to think about it. The administration has failed to keep the jobs needed to keep pace with an expanding workforce, but also we are 2 million jobs in the hole.

The Republican Congress and the Bush administration have failed to pass an unemployment insurance extension and other critical legislation directly affecting the financial security of families. Instead, Congress is debating legislation that has already passed.

Clearly, Mr. Speaker, we need to refocus our priorities on restoring the economic well-being of our workers and the families for which they provide. Mr. Speaker, I again want to say that I am going to support this legislation which is before us today. However, this legislation is not moving us toward improving our graduate programs. We simply are squandering our time and resources by repassing this bill today.

Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself 30 seconds to answer the gentleman's question why we are here today.

I think that we did pass these bills before, but they have not been acted upon by the other body. So I do not think it will hurt to have further discussion here, again voting on these issues and showing how important our teachers are, showing how important economic stability comes from education.

We think that it is very important to discuss these issues; and, frankly, I do not think it is a waste of time any time we can talk about helping the education of our country.

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. BURNS), a strong member of our committee.

Mr. BURNS. Mr. Speaker, I thank the gentleman for yielding me this time and for his work on this legislation.

Mr. Speaker, I rise today in support of H.R. 4411, Priorities For Graduate Studies Act. I am pleased to be offering this bill, which will build upon the successes of our graduate education programs and help also trigger improvements at all levels of the educational environment by prioritizing studies in areas of national need.

We all recognize the importance of graduate education, particularly as we work to meet the challenges of the No Child Left Behind Act and place a highly qualified teacher in every school, in every classroom in America by the school year 2005–2006. I believe that the legislation before us today will help both States and schools across the Nation achieve that important goal.

Mr. Speaker, I speak from experience, having taught at the graduate level at Georgia Southern University for some 19 years. In order to produce a qualified teacher, you have to have a qualified classroom. So if we are going to have world-class math and science instruction for our K through 12 students, we have to have the world-class instruction for those teachers at our graduate schools across the Nation.

The Federal Government has long been involved with graduate level education, providing fellowships that assist students who excel in their chosen fields to complete education beyond the baccalaureate level. These programs have been successful, tremendously successful in encouraging in-depth study and creating knowledgeable experts, particularly in subject areas facing a national need.

Graduate programs authorized under the title VII component of the Higher Education Act produces immeasurable benefits for our Nation. Not only do these programs enrich our citizenry but they also nurture discovery and innovation that will lead to medical, educational, and technological advancements. Graduate programs train the next generation of teachers, the next generation of researchers and engineers and doctors and lawyers and professors. These individuals will be vitally important in preparing the United States to meet the challenges of a global economy.

Title VII of the Higher Education Act authorizes three graduate fellowship programs: the Graduate Assistance in Areas of National Need program, the Jacob K. Javitz Fellowship program, and the Thurgood Marshall Legal Educational Opportunity program. Collectively, these programs encourage students to advance their knowledge in scientific and technical fields, in the arts and humanities, and in legal studies by providing financial assistance as well as support services to those displaying academic excellence in their selected fields.

Each year, Congress appropriates nearly $70 million to assist these students in pursuing their goals. The Priorities For Graduate Studies Act seeks to build upon the success of these programs by targeting fellowships to subject areas facing national need not only at the graduate level but also by encouraging the study of subject areas where there are shortages in K through 12 education. This will help to expand the number of educators prepared to train teachers of tomorrow in the critical subject areas of math and of science and of special education. By placing a priority on these subject areas with a demonstrated national need, graduate fellowships will serve to strengthen education from the halls of universities down to the classrooms filled with children.

In addition to placing a priority on these three subject areas, the Priorities For Graduate Studies Act will also recognize the rapidly growing need for teachers prepared to meet the needs of students with limited English proficiency. H.R. 4411 is an essential piece of legislation that strengthens our higher educational system. We strengthen the graduate education, we target the Federal investment toward areas facing a demonstrated need, and we work to improve not just the graduate education but education at all levels across our Nation.

Mr. Speaker, I encourage my colleagues to join me in supporting this piece of legislation and help our already successful graduate educational programs become even more successful.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from California (Mr. MCKEON) has said we are repassing these bills to get the attention of the Senate. I suggest it might be cheaper and more efficient to send a respectful message to the Senate, and I will be glad to cosign a letter with my colleague to do that.

But, nevertheless, I will support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume, and respond to my colleague that I will be happy to join him in that letter. Whatever we can do to help move the other body, I think is important, especially in the area of education, where we are trying so hard to help our teachers and our young people so that we can better prepare ourselves for stronger economic stability in the future.

Mr. Speaker, I encourage all of my colleagues to support this bill.

Mr. HOEKSTRA. Mr. Speaker, I rise today in support of H.R. 4411, the Priorities for Graduate Studies Act, legislation which creates an informed and educated citizenry through strong and vibrant graduate education programs.

As we enter the 21st Century, the need for advanced education is becoming increasingly critical to successfully maintaining America's place in a technologically advanced economy. Now, more than ever, U.S. citizens are obtaining graduate degrees to gain additional knowledge and expertise in their fields of study. Nearly 2 million students currently attend one of more than 1,800 graduate school programs throughout the country. And, this number is increasing. According to the Council of Graduate Schools, total graduate enrollment in the

United States rose by 3 percent between 2000 and 2001, and it is expected to steadily rise in coming years.

Graduate programs, while important for their role in higher education, also play an essential yet often overlooked role in K–12 education. It is graduate programs that train individuals to become faculty at institutions of higher education. They will in turn train the elementary and secondary teachers of tomorrow.

H.R. 4411 is closely aligned with H.R. 3076, the Graduate Studies in Higher Education Act, which I authored and the House passed last fall. I have worked closely with Representative BURNS in crafting the legislation before the House of Representatives. Today's bill presents the House with an important opportunity to support graduate education while drawing attention to the need for highly qualified elementary and secondary teachers.

The Priorities for Graduate Studies Act strengthens the Title VII graduate programs contained within the Higher Education Act. H.R. 4411 reauthorizes the Graduate Assistance in Areas of National Need (GAANN) program, the Jacob K. Javits Fellowship program and the Thurgood Marshall Legal Educational Opportunity program. It also recognizes new areas of national need and increases flexibility for students in these graduate programs. By placing a ''priority'' within the graduate programs in the subject areas of math, science, special education and teaching English to speakers of other languages, this bill will strengthen the academic quality not only at the graduate level, but also within American elementary and secondary schools.

I encourage my colleagues to join me in supporting Representative BURNS' legislation, as together we can help make our country's already successful graduate education programs even better.

Mr. BOEHNER. Mr. Speaker, I rise today in support of H.R. 4411, the Priorities for Graduate Studies Act. I'm pleased to stand in support of this bill, which will both enhance graduate education and build on the strength of education at all levels by helping to increase study of subject areas facing shortages at the K–12 level. I'd like to commend Representative BURNS for his work on this important bill.

The Priorities for Graduate Studies Act will build on the success of the graduate programs currently authorized under Title VII of the Higher Education Act, and, additionally, the bill will help fulfill the demand for highly qualified teachers at the K–12 level.

Witnesses have testified before the Education and the Workforce Committee that an important key to placing highly qualified teachers in every public school classroom, as called for by the bipartisan No Child Left Behind Act, is having adequate faculty available to train the teachers of tomorrow. This is particularly important in subject areas facing severe shortages. I believe the importance of this cannot be overstated. If we are serious about ensuring every child learns from a highly qualified teacher, we must address the issue comprehensively.

Elementary and secondary classrooms across the Nation are facing severe shortages of highly qualified teachers, particularly in high-demand subject areas. States and schools tell us they are struggling to find highly qualified math, science, and special education teachers. And as our schools work to educate those whose native language is not English, we need teachers who are prepared to meet the needs of students with limited English proficiency (LEP). To meet these demands, this bill places a priority on these particular subject areas for graduate assistance programs, ensuring that our investment in graduate education continues to improve education at all levels.

Although I believe the role graduate education plays in creating a pipeline of highly qualified teachers is extremely important, the many other benefits of graduate education should not be overlooked. As we enter the 21st Century, the need for advanced education is becoming increasingly vital to successfully maintaining our place in the technologically-advanced economy. Now, more than ever, our citizens are obtaining graduate degrees in order to gain more expertise in their field of study. This bill will help ensure the continued availability of such graduate study opportunities for students.

As we move forward with the reauthorization of the Higher Education Act, we must continue to build on the success of these programs that prepare the next generation of scholars. We have expressed our support for our teachers before, and we stand united today to continue that support and urge our colleagues in the other body to do the same.

Graduate education is fundamental to maintaining our competitiveness and economic leadership, as well as ensuring the success of education reform in classrooms across America. And as our economic recovery continues and new jobs are created everyday, the importance of education will only grow. I hope my colleagues will join me in supporting this bill, and the continued success of graduate education.

Mr. SMITH of Michigan. Mr. Speaker, a highly educated workforce is critical to America's future competitiveness. And the quality of education in America's schools is directly related to the quality of the teachers entrusted with the vital task of educating the Nation's students. Today's students are tomorrow's workforce, and for that reason education is directly linked to America's future competitiveness in a changing economy.

H.R. 4411, the Priorities for Graduate Studies Act, addresses the shortage of highly qualified math and science teachers at the K–12 level. One of the problems is the continuing lack of faculty at the graduate level to train the teachers of tomorrow in these demanding fields. This must be addressed to fortify the pipeline of highly qualified teachers for our Nation's youth. To increase faculty in these high-demand subject areas, the Priorities for Graduate Studies Act will target Federal aid for graduate studies to these subject areas. The bill, introduced by my colleague from Georgia Representative MAX BURNS, places a priority on the areas of math and science for graduate fellowship programs in the Higher Education Act. Further, this bill reinforces previous Federal efforts in the ''No Child Left Behind Act'' requiring a ''highly qualified'' teacher in every classroom. This bill, along with the other bills being discussed today, also provides State grants to recruit and train teachers. In addition, loan forgiveness programs at the Department of Education and the Noyce Scholarship Program at the National Science Foundation (NSF), which seeks to encourage top math and science students to enter the teaching profession, are just some of the initiatives that have been designed to address issues of teacher recruitment and retention.

Federal Reserve Chairman Alan Greenspan recently testified before the House Education and Workforce Committee and said that strengthening the Nation's education and worker training systems and supporting innovation are essential to creating jobs and sustained economic growth for American families. He said that the U.S. appears to be lagging seriously behind other nations in terms of the quality of education being provided to students at the K–12 level. He quoted a study conducted in 1995 (The Third International Math and Science Study, a project of the International Study Center, Lynch School of Education, Boston College) revealing that although our fourth-grade students were above average in both math and science, by the time they reached their last year of high school they had fallen well below the international average.

The quality of America's workforce is inextricably tied to the quality of America's education system. For that reason, advanced degrees in specific subject areas will help to improve the training of our schoolteachers, building upon the quality of elementary and secondary education and, in turn, strengthening the competitiveness of the American worker. The House bill being discussed today recognizes that a shortage of advanced degrees earned in high-demand subject areas such as math and science can create a void from the university level down to K–12 classrooms. To address this shortage, the bill places a priority on these subject areas when awarding graduate level fellowships.

Mr. Speaker, when I have an opportunity to speak with teachers about education, I often ask them if teaching a child math or science is more like lighting a fire than filling a container, at what age they believe the flame of interest for math and science education is sparked and how can we keep it burning. I get all sorts of answers. Some say third grade. Others say kindergarten. But they all generally agree that our greatest challenge is to ensure that all children experience that initial spark to create more interest in science and math.

As Chairman of the Science Research Subcommittee, I recently introduced legislation that passed this House, creating a Congressional award for private sector entities that partner with schools to improve science, technology, engineering, and math education. The bill, H.R. 4030, would provide well-deserved recognition for outstanding private sector efforts and directs the National Science Foundation to disseminate information about award winners to educators, businesses and the general public.

The way to maintain and increase our standard of living is through innovation, technological advancement and hard work. We need to do a better job of encouraging student interest and achievement in math and science so that today's students will be successful in the highly competitive global economy.

Mr. GRIJALVA. Mr. Speaker, we are standing here today to consider pieces of legislation that the House passed overwhelmingly just a year ago. These were not controversial bills at the time they were first considered and they are not controversial now. It seems clear to me that the House Republican Leadership would like to distract the American public from the real issues that need to be addressed. Instead of being down on the floor to discuss

legislation that we all agree on and already passed, members of the House Committee on Education and the Workforce should be spending time working on the legislation that would offer real solutions to students struggling to pay for a college education.

Tuition is rapidly rising in nearly every state. The buying power of Pell grant has dropped significantly in the last 30 years. Students are graduating from college with enough debt that they could buy a car or even a house, which significantly hinders their ability to contribute to economic growth. Students are increasingly turning to a part time education just so they can support themselves while in college.

These are clearly dire times when it comes to college affordability, but instead of spending our time crafting legislation that would offer real solutions to students, we are rehashing legislation that we already passed to fulfill the political needs of the House Republican Leadership.

The Higher Education Bills that we are considering today are bills that I supported in the past and will support again in today, but today's debate is merely a distraction from the real problems that students face in paying for college.

Mr. HINOJOSA. Mr. Speaker, I do not object to the three higher education bills under consideration today. In fact, this body passed these bills with broad bipartisan support last year, and I voted for all three of them. I do object, however, to our wasting time revisiting legislation that we have already worked out instead of completing the work that remains to be done.

The Higher Education Act represents our national commitment to ensuring that a college education is possible for anyone—regardless of income, race, or ethnicity. This law supports our students and our institutions of higher education in their pursuit of academic excellence. It represents the single largest Federal investment in education with over $75 billion in student financial assistance distributed annually.

This Congress the Higher Education Act must be reauthorized. Instead of considering the act as a whole, the majority decided to pass the reauthorization in parts. The parts that we are considering today have already been passed. What we are failing to discuss today are the programs at the very heart of the matter—the student aid programs: Pell grants, student loans, work study.

We are also failing to discuss the instrumental Federal supports to the institutions that serve low-income and minority students—titles III and V of the Higher Education Act. The titles that support Historically Black Colleges and Universities, Hispanic-Serving Institutions, and Tribally Controlled Colleges.

The Advisory Committee on Student Financial Assistance has reported that over the next 10 years as many as 4.4 million college-qualified low-income students will be unable to attend 4-year colleges because of unmet financial need. Two million will not be able to attend any college at all. Most of the students will be minorities—Hispanics and African Americans.

We have a lot of work left to do. I hope that we will get to it.

Mr. MCKEON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 4411.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONVEYANCE OF REAL PROPERTY IN RAVENNA, OHIO

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3908) to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.

The Clerk read as follows:

H.R. 3908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE.

The Secretary of Labor shall convey, without charge or consideration, to Portage County, Ohio, all right, title, and interest of the United States (including all Federal equity) in and to the parcel of real property located at 1081 West Main Street in Ravenna, Ohio, to the extent such right, title, or interest was acquired through grants to the State of Ohio under title III of the Social Security Act (42 U.S.C. 501 et seq.) or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) or through funds distributed to the State of Ohio under section 903 of the Social Security Act (42 U.S.C. 1103).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from Ohio (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill H.R. 3908.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3908, a bill sponsored by my good friend from across the aisle, the gentleman from Ohio (Mr. RYAN), to convey all Federal rights to a property in Ravenna, Ohio, to Portage County, Ohio.

This particular building has been used as an employment services office by the State of Ohio since its construction in 1972. However, as the State of Ohio has transitioned to locally operated one-stop career centers, as authorized under the Workforce Investment Act, the State no longer needs this separate facility.

As envisioned under the Workforce Investment Act, the State now provides employment services through the one-stop career centers as one of numerous partner programs making reemployment and training services available through this seamless delivery system.

On an interim basis, Portage County, located in northeast Ohio, has been using the facility rent free for its one-stop career center. However, the Ohio Department of Job and Family Services, which still controls the building, does not want to be a permanent landlord. The State should not shoulder the responsibility of maintaining the building, as the State represents one of several tenants offering programs at the one-stop center.

While the State has the option to sell the building under a sealed-bid process, the county cannot afford to pay the appraised value of $184,000. Therefore, the State desires to transfer the property to Portage County. This cannot be done without Federal legislation relinquishing Federal rights to the building. The Federal Government holds just over 88 percent of the equity in the property, since it was acquired with Federal funds.

Passage of this bill should result in improved services to job seekers in the local area served by the one-stop center. Now the local workforce investment board and county commissioners will be free to focus solely on job counseling, workforce preparation, and training for individuals seeking new or better jobs. In addition, they will continue to serve businesses seeking qualified employees.

□ 1400

During this time of sustained job growth in our growing economy, we need to ensure that local workforce investment areas are ready to provide needed assistance. By finalizing the location of the county's one-stop center, H.R. 3908 will do just that.

I thank the gentleman from Ohio (Mr. RYAN) for bringing this bill to the floor, and I encourage my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from California (Mr. MCKEON). This is truly a bipartisan effort, and I appreciate all of the help we have received. This is a county in my district which has been low on resources, as many counties have been, not only in the State of Ohio but across the country. There has been a reduction in money from the State level to the local county level, and this is an opportunity for the Federal Government to step in and help a community that needs our assistance.

I would like to thank the gentleman from Ohio (Mr. LATOURETTE) who has been very helpful, the gentleman from Ohio (Mr. BOEHNER), and the gentleman from California (Mr. GEORGE MILLER), the ranking member. I would also like

to thank the gentleman from Ohio (Mr. PORTMAN) and Governor Bob Taft and the Director of the Department of Job and Family Services, Tom Hayes, who has been extremely patient through this process, as well as the gentlewoman from California (Ms. PELOSI), and the local county commissioners in Portage County, Commissioners Smiles, Keiper and Frederick, and the State Senator, Kim Zurz, and the State Representative, Kathleen Chandler.

This was truly a bipartisan effort, an effort to help a local community that needs help. As the gentleman from California (Mr. MCKEON) said, about 88 percent is being picked up, and that will assist the local community.

With that, I would like to again thank the gentleman for his help. I appreciate the Chair of the committee as well and all of the staff who have been tremendous. The staff of the gentleman from Ohio (Mr. LATOURETTE) and the staff of the gentleman from Ohio (Mr. PORTMAN) and the staff of the committee has been great, and I thank them for all their help.

Mr. Speaker, I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again would like to commend the gentleman from Ohio (Mr. RYAN) for representing his district and taking care of this important situation. I think it will be very good to extend the work services provided through the one-stop shop to be able to really carry out the purpose of that Workforce Investment Act, to reach out and help people in these tough times. I think they are doing a good job, and I commend them for the job they are doing.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 3908.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONORING CONTRIBUTIONS OF WOMEN, SYMBOLIZED BY ''ROSIE THE RIVETER,'' WHO SERVED ON THE HOMEFRONT DURING WORLD WAR II

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 413) honoring the contributions of women, symbolized by ''Rosie the Riveter'', who served on the homefront during World War II, and for other purposes.

The Clerk read as follows:

H. CON. RES. 413

Whereas during World War II, 6,000,000 women stepped forward to work in homefront industries to produce the ships, planes, tanks, trucks, guns, and ammunition that were crucial to achieving an Allied victory;

Whereas women worked in homefront industries as welders, riveters, engineers, designers, and managers, and held other positions that had traditionally been held by men;

Whereas these women demonstrated great skill and dedication in the difficult and often dangerous jobs they held, which enabled them to produce urgently needed military equipment at recordbreaking speeds;

Whereas the need for labor in homefront industries during World War II opened new employment opportunities for women from all walks of life and dramatically increased gender and racial integration in the workplace;

Whereas the service of women on the homefront during World War II marked an unprecedented entry of women into jobs that had traditionally been held by men and created a lasting legacy of the ability of women to succeed in those jobs;

Whereas these women devoted their hearts and souls to their work to assure safety and success for their husbands, sons, and other loved ones on the battle front;

Whereas the needs of working mothers resulted in the creation of child care programs, leading to the lasting legacy of public acceptance of early child development and care outside the home;

Whereas the needs of women on the homefront led to employer-sponsored prepaid and preventative health care never before seen in the United States; and

Whereas in 2000, Congress recognized the significance to the Nation of the industrial achievements on the homefront during World War II and the legacy of the women who worked in those industries through the establishment of the Rosie the Riveter World War II Home Front National Historical Park in Richmond, California, as a unit of the National Park System: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the extraordinary contributions of the women whose dedicated service on the homefront during World War II was instrumental in achieving an Allied victory;

(2) recognizes the lasting legacy of equal employment opportunity and support for child care and health care that developed during the ''Rosie the Riveter'' era; and

(3) calls on the people of the United States to take the opportunity to study, reflect on, and celebrate the stories and accomplishments of women who served the Nation as ''Rosies'' during World War II.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 413.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 413 and urge each of my colleagues to support this important resolution.

Mr. Speaker, this weekend in Washington, DC, President Bush dedicated the World War II Memorial, the first national memorial dedicated to all who served during the Second World War. As it should, this memorial honors all military veterans of the war, the citizens on the homefront, the Nation at large, and the high moral purpose and idealism that motivated the Nation's call to arms.

Today, we pause to recognize in particular the contributions to those who may not have faced enemy fire but were no less a part of our decisive victory in those dark times: the millions of Americans who across the Nation heeded a call to serve when their country needed them.

After the bombing of Pearl Harbor in 1941, the young men of America poured out of the factories and offices to line up at the recruiting offices. The young women of America lined up at the factories and arsenals to fill jobs left vacant by those who went off to fight.

These women, symbolized by Rosie the Riveter, wore hard hats and coveralls and pulled the same load as many of the men they replaced. They operated heavy cranes, milling machines and countless other heavy tools that most women had never heard of before the war. They bagged gunpowder, made weapons, crated ammunition and did whatever else was asked of them so that their fathers, husbands, sons and sweethearts could win the war and come back home again. Indeed, the Rosie the Riveter movement is credited with helping push the number of working women to 20 million during the 4 years of war, a 57 percent jump from 1940.

The image of Rosie the Riveter has become familiar to all of us and symbolizes the contribution of those millions of mothers, daughters and sisters who, as their loved ones were sent overseas to fight the Axis, picked up the work vital to our Nation's productivity and security. At a time when sacrifice was asked of every American, both at home and abroad, these brave young women rose to the call and served their country with honor and pride. As we honor the contribution of each American to the World War II effort, so today do we properly honor our ''Rosies.''

Mr. Speaker, I had an Aunt Lil who was a Rosie the Riveter in World War II. She is not with us today, but I wish she could be to see this honor presented to her and other women who filled the call and served as Rosie the Riveter. I urge each of my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I would like to begin by thanking the House Women's Caucus led by the gentlewoman from New York (Ms. SLAUGHTER) and the gentlewoman from West Virginia (Mrs. CAPITO) for their sponsorship and their

pushing for this resolution to come to the floor and to thank the House and Senate cosponsors of our resolution, including California's two Senators, Senator BOXER and Senator FEINSTEIN, and Richmond's Rosie the Riveter superintendent Judy Hart from the National Park Service and, obviously, the 6 million women who helped build American history.

Many people have learned about the Rosie the Riveter story recently from the great work being done by Ford Motor Corporation to encourage Rosies to come forward and tell the story of the Rosies, along with the National Park Foundation.

This legislation that we are voting on today honors the millions of women who answered the call to service on the homefront during World War II. The Rosies, as they are known, built tanks and ships, working as welders, machinists, mechanics, pipe fitters, electricians and boilermakers and so many other trades and professions during the Second World War while so many men were off in the battles of combat. They learned the skilled jobs previously reserved for men. They earned men's wages, and they gained new independence. The effort by these women made victory abroad possible.

Those who have studied the history of the period will remember how unprepared America was to enter the Second World War. It is because of the effort by these Rosies that we met the challenge and succeeded in winning the Second World War. But it also was a time when there was some dramatic change in the workforce in America. Women and minorities were gaining access to high-paying jobs and industry for the first time. Health care and services for employees and their families were available on a full-time basis for the first time in many instances. Services, including child care, to help parents balance family and work for the first time became available.

The oldest continuous child care center in the program is in my district that was part of the Kaiser Shipyards in the San Francisco Bay area, and it was named after Ruth Powers who was a teacher and a Rosie at that time, and it continues in service today.

We saw these incredible partnerships created between government, industry and the labor unions to take care of the workforce and to train the workforce and to make sure they could report to work every day. It is also clear that this contribution is absolutely tantamount to our winning the Second World War.

This weekend we will have a rivet cutting at the Rosie the Riveter World War II Homefront National Park in Richmond, California, where we will cut the ribbon on the new Visitors Center that is being created there.

Kaiser shipyards in Richmond, where they produced a Liberty ship every day, women comprised over a quarter of the workforce. Their shipyard was the largest and most productive of World War II. The war transformed the economy of California. The State population grew by nearly 75 percent. Richmond grew from 23,000 people to a booming town of 100,000 people in support of the warfront industries that were related there at that time.

Many people today think that 24–7 is a term that came out of the technology revolution, out of the dot.com revolution. Mr. Speaker, 24–7 was a watchword in Richmond, California. We had 24-hour supermarkets because people worked three shifts. We had 24-hour rooming houses where people changed beds according to the shifts that they were working. We had 24-hour child care for families, 24-hour physician services, 24-hour health care, because the effort there was to keep the workforce working so that they could meet the demands of the war, which they did.

It also provided for the most rapid and deep integration of the American workforce up to that time in history, as did much of World War II in the industry base. It changed the economy, it changed our society, it changed the women's movement in this country and their role in American society.

If you have met the Rosies, you understand the pride that they demonstrate when many of them can still show their journeyman's card, when many of them can describe the fear they had on the first day of work when they showed up for jobs that they had never heard of or seen done before, and also the pride when they now recognize what they contributed to: the winning of the Second World War.

I want to thank the cosponsors of this legislation, the House women's organization for pursuing this.

Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentlewoman from Tennessee (Mrs. BLACKBURN) and that she may control the time for the majority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 413. Today, we are honoring these millions of women who, although they have never been to a battlefield, they really served valiantly during some of our Nation's darkest hours. I think we have all heard stories from our moms and relatives and from individuals who really rolled up their sleeves and got to work to be of service to our Nation. Of course, there are women from all walks of life, all ages, and they really heeded the call of this Nation in shipyards, dockyards, steel mills, lumber mills, wherever they were needed. They worked in defense industries and support services to power the American productivity that helped win World War II.

The sight of women outfitted in overalls and wielding industrial tools was popularized in the 1942 song ''Rosie the Riveter.'' The image and the song created an instantly recognizable nickname for those homefront heroes. Today, that nickname and that image is still recognized and loved.

Mr. Speaker, these women demonstrated skill and dedication in difficult and often very dangerous jobs, but their work produced urgently needed military equipment at record-breaking speeds. They were efficient, and they defined many of the standards we hold today. The legacy of these Rosies is still seen across America. Their service on the homefront marked the start of an unprecedented entry of women into the workplace and created a lasting legacy of women leaders for us to look up to.

□ 1415

One such Rosie now lives on a 70-acre farm in my district in Tennessee. Lois Turner worked as a mechanic at Bell Aircraft in Niagara Falls, New York, from 1943 to 1945. She had many roles at Bell. She worked in machine gun manufacturing; and with her delicate hands, she was able to do much of the safety wiring in parts of our warplanes that most others could not reach. She spent 15 minutes at a time held upside down to reach those tight spots. Lois' skill and care helped keep our soldiers safe.

Mr. Speaker, the Rosies of World War II put heart and soul into their work because their work meant the safety and security of their loved ones on the battle front.

As many Members will recall, in 2000 Congress recognized the significance of America's World War II industrial achievements and the legacy of the women who helped make those achievements possible by establishing the Rosie the Riveter World War II Home Front National Historical Park in Richmond, California. It is a unit of the National Park System. As we did then, we pause again today to remember the women who have given so much to their country.

Their love of country, their hard work, their prayers for our soldiers were in the steel and plate of every American battleship. They were then, and remain today, deep in the soul of our war effort and a great victory for freedom and peace.

We should all thank our colleague, the gentlewoman from West Virginia (Mrs. CAPITO), for her leadership in honoring these women and for sponsoring this resolution, so that America will never forget these wonderful patriots.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I am pleased to join my colleagues in recognizing the enormous contributions

made by American women on the home front during World War II. Embodied by Rosie the Riveter and the empowering slogan ''We Can Do It,'' women from around the Nation filled industrial jobs left empty by their husbands, their brothers and neighbors fighting abroad during World War II.

World War II was won not only by the veterans we honored with a new memorial last week but by the women in their lives as well. Every man, every woman, every child in the United States of America sacrificed during World War II; and as important as any of these sacrifices were those of the countless Rosie the Riveters who filled industrial jobs, who ran households under a strict ration system, whose lives were not easy, but whose contribution was never, ever questioned when they were making that contribution. In fact, these contributions serve as a valuable demonstration of the sacrifice and determination that winning a war demands of an entire Nation.

Every Rosie is an inspiration for a Nation that is once again at war, and their efforts remind us that military victory is not possible without the support and without the contributions of Americans at home.

Now, just as it was then, we can do it, and we must.

Mrs. BLACKBURN. Mr. Speaker, I yield 3 minutes to the gentlewoman from West Virginia (Mrs. CAPITO), the sponsor of this legislation.

Mrs. CAPITO. Mr. Speaker, I am exceedingly proud to be the sponsor of House Concurrent Resolution 413. I am also extremely proud that all 62 women Members of Congress are cosponsors on this legislation as well.

During World War II, a remarkable band of women picked up the rivet guns left on factory floors and shipyard docks by departing workers. Many of those workers were husbands, boyfriends, sons and dads; and those women started building the tanks, airplanes, and ships that America needed to win the war.

This group of women became known as Rosie the Riveters, the bandana-brazing, tight-muscled woman depicted in posters with the slogan ''We Can Do It.''

Earlier this month, I called on all the Rosies from West Virginia to send me their stories so younger generations of West Virginians could learn about this important part of their history.

It is clear the important role that the Rosies played during the war. I received a letter from a woman from Elkview, West Virginia, who worked on the wing sections of B–29 Superfortress bombers at the Goodyear plant in Akron, Ohio. The B–29 was the military's most sophisticated propeller-driven bomber.

Another Rosie from Winfield, West Virginia, worked as a riveter at General Machinery in South Charleston, West Virginia, building rockets that her husband used thousands of miles away in the Pacific.

Just last week, several Rosies came to Washington to tell their stories. Leona Phares from Elkins, West Virginia, came; and she had a very touching comment. I asked her what she did when her husband left her. Her husband was originally in the factory with her, and he was called to duty. I said, What did you do? She said, I worked as long and as hard and as fast as I could, because I wanted him home as quick as he could get there.

We also learned that one of the Rosies from the district of the gentlewoman from New York (Ms. SLAUGHTER) was held upside down for 15 minutes at a time because her hands were so small she could get up under and rivet in certain areas.

Extraordinary women. We always say we can do twice as much in half the time, but upside down at the same time?

This resolution honors the extraordinary contributions of the women pioneers who have inspired future generations, whose dedicated service on the home front during World War II was instrumental in achieving an Allied victory. The resolution urges citizens to study, reflect upon, and celebrate the stories and accomplishments of the Rosies.

The Rosies are a vital part of American history. This band of remarkable women should be honored and remembered.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise today in support of the Rosie the Riveter resolution that recognizes the hard-earned contributions of women on the home front during World War II.

Rosie symbolized the millions of women who broke through the glass ceiling and showed this Nation that women could perform paid work in nontraditional jobs.

There were an estimated 18 million women who worked in World War II defense industries and support services, including steel mills, foundries, lumber mills, aircraft factories, offices, hospitals, and even daycare centers. Today, there are well over 68 million women in our civilian labor force, which is almost 60 percent of all women over the age of 16.

As an icon of strength and will, women during World War II bonded together to secure our Nation's factories and future. Their legacy of equal employment opportunity and support for child care and health care that developed during Rosie the Riveter's era has served men, women, and families since that time.

I would also like to thank the gentlewoman from West Virginia (Mrs. CAPITO) for taking us to the memorial service for Rosie the Riveter in honor of all the women that have served our great country. It was a wonderful ceremony that took place last week at Arlington National Cemetery, where members of the Women's Caucus from both sides of the aisle came together to help celebrate the many contributions of women in the Armed Forces, as well as Rosie the Riveters who participated in our country's establishment.

Mrs. BLACKBURN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today in support of House Concurrent Resolution 413. It is certainly an honor to stand here and publicly thank the women who worked on the home front as this Nation fought World War II.

As the years go by, our Nation has become, I think, more able to fully understand the incredible contribution of both the men and the women who have been rightfully called our Greatest Generation. Certainly the World War II memorial which we dedicated just this past weekend honors this Greatest Generation and all of those who fought in the deadliest war in the history of mankind.

With the adoption of this resolution, we can honor the women who were instrumental in winning that war and securing the freedom, not only of our Nation, but in fact of the entire world.

It seems that it is hard to believe sometimes that it has actually been 60 years since the end of World War II. As the great leaders of America and war machine were actually developing their plans of engagement, here in the United States literally millions of Americans were preparing for the invasion by building the greatest force the world has ever known. Among that workforce were more than 6 million American women, women who were faced with enormous challenges, women who met that challenge in the defense of freedom.

There was a very famous Saturday Evening Post cover, actually painted by Normal Rockwell, I think in 1943, and it showed an American woman who was carrying a rake, a hoe, an oil can, a pipe wrench, a sewing machine, bottles of milk, as well as air-raid warning equipment. Along with her red, white and blue outfit, she also wore a civil defense cap under a nurse's cap.

That is how it was during World War II. American women were expected to hold down the home front and do all of the jobs left behind by the men who were off fighting the war.

Certainly today it is our great privilege to honor these American women, women who symbolize an icon known as Rosie the Riveter. And because of the contributions of millions of Rosies, our wartime factories were transformed into the arsenal of democracy, as they literally built the armaments that led the entire world to peace.

American women became welders, riggers, crane operators, and dock workers; and they provided the American war machine with the tools that we needed to win the war. And we are

truly, truly grateful. Their service to our Nation and to the freedom-loving people of the world cannot be repaid. They are great Americans, and may God bless them.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the original author of the World War II memorial legislation.

(Ms. KAPTUR asked and was given permission to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from California for yielding me this time and am pleased to rise as a member of the Women's Caucus and a cosponsor of House Resolution 413 to honor Rosie the Riveter, the millions of Rosie the Riveters, who helped the United States of America to win that great victory of liberty over tyranny a half century ago.

It is very rewarding to be able to stand here today and to say that the Veterans History Project that is a part of what our Library of Congress is assembling will allow all people in our country who either served in the military or here on the home front, including women in our war industries, factories, as air-raid wardens, as cadet nurses, to tell their story on audio and video, and that as a part of this resolution I want to encourage all women or their families and loved ones to begin to put this down, and through your Member of Congress get the application blank so that your story can become part of America's permanent history, because, in fact, Rosie the Riveters changed America forever.

Today, nearly two-thirds of the women in this country work outside the home. At the time the war started, less than 25 percent did.

This happens to be a photo of Willys-Overland in Toledo, Ohio, that still makes the Jeep. Nowadays they call it Daimler Chrysler. But that particular company in 1940 received a $25 million contract from the Department of Defense, and in all our community received nearly $1 billion, pushing employment figures at that plant alone to the highest levels that they had been since the Great Depression. Other plants, like Acklin, went on 24-hour, 7-day-a-week production.

Our own mother, Cherie Rogowski Kaptur, worked at the Champion Spark Plug factory making spark plugs that she knew went into airplanes. She became a union leader, a member of the United Auto Workers local in that plant, so that they could make perfect plugs, so that no pilot would lose a life because a spark plug did not fire. I can remember her talking about that, even until her golden years.

Women were very responsible, just as they are in the home. When men began going to war, women began to work outside the home by the millions.

So today we honor those woman. Through their service, America changed forever as unprecedented numbers of women worked not just inside the home, but outside the home, and in many ways helped to educate the generation that now serves our Nation inside this Congress of the United States.

The character of Rosie first appeared in the 1942 song "Rose the Riveter," written by Redd Evans and John Jacob Loeb and recorded by big-band leader Kay Kyser.

"All the day long,
Whether rain or shine,
She's a part of the assembly line.
She's making history,
Working for victory,
Rosie the Riveter

The number of women in the American workforce increased by more than 50 percent over the war years.

Some six million women joined the war effort on the homefront.

In about July 1940, Toledo's Willys-Overland Jeep factory announced a $25 million dollar contract. In all, Toledo received over $900 million dollars in defense orders, enough to put employment figures at the highest they'd been since 1929. Many plants, including Acklin, went to 24 hour, 7 day a week production.

With many men going to war, women began going to work outside the home by the thousands. In 1942 the first nursery opened in Toledo in order to meet the demands of mothers working in the factories. These women didn't only work in factories however. In fact, they filled a variety of positions from auto-mechanics and bus drivers to freight handlers for the Railway Express Agency.

Mrs. BLACKBURN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today to support this resolution, which appropriately honors American women who responded to our Nation's call during World War II.

At a time when many men left to serve our Nation on foreign shores, the jobs that had long been held by these men fell to the responsibility of women. Women were propelled out of their traditional roles as housewives and mothers as they readily filled the void created by the departure of their fathers, sons, and brothers.

Putting on their hard hats, they embraced a new life as riveters and welders, assembling bombs, building tanks and ships and making ammunition. It is no wonder that the iconic image of Rosie the Riveter has become synonymous with World War II. That singular woman represents the more than 6 million women in America who aided the war effort and changed forever the role of women.

□ 1430

Without these women, the Allied victory could not have been a reality. Today, we honor their patriotism and their unwavering dedication to their country. I take off my hard hat to them.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, thanks to the authors for bringing forth this resolution.

I rise to salute Rosie the Riveter.

Women affectionately known as "Rosies" revived the image of the feminine ideal. Rosie the Riveter's slogan of "we can do it" helped mobilize millions of American women who sowed the seeds for the women's rights movement.

During World War II, as more and more American men were sent off to battle, over 6 million women did their part to ease the hardship for America by taking over jobs that had been previously exclusively male.

Rosies filled the void in America's workforce by working under very poor conditions for very little pay in factories doing welding, machining, building aircrafts, fixing tanks and armament factories.

Although the average Rosie the Riveter's salary was $31.21 a week for her labor, as compared to $54.56 a week for the men that still remained, these women fought social discrimination, gender harassment, and physical abuse.

Rosie the Riveter's image of a strong, competent woman was a symbol of patriotic womanhood.

Rosies all over the country showed their strength and their power and their pride.

We thank these women who paved the way for women's empowerment. Women are capable of doing anything. It is too bad that it took a war to make everyone see it. Times would never be the same again.

Mrs. BLACKBURN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I would like to relate some of my memories of World War II. I was born in 1934. I was about 7, 8, 9 and 10. In our community what allowed Rosie the Riveter to go into the workforce and our factories was other women on the homefront, that substituted for taking care of children. So some of the women in our community went and babysat for other women to allow them to go into our factories to do some of this work.

So I am pleased that one of the resolved clauses reads, "honors the extraordinary contributions of the women whose dedicated service on the homefront during World War II was instrumental in achieving the Allied victory." Those women that made the effort, that got in the physical conditioning to allow them, really unheard of before, to do man's work was also supplemented by so many mothers and so many other women in every home in most every community of the Nation.

In our rural area of Michigan, women were the ones that were encouraging the savings of string and tinfoil and saving all of their bacon fat and encouraging their children to contribute to the war effort. So it was not only

the work in the factories, but it was the inspiration that mothers and other women gave to their communities. So it was more than the factories. It was women going in to become members of the school board, to help guide the community and to substitute in public service organizations, where women came forward to really start a new era in America of women proving themselves to be so effective in achieving goals.

So I commend the resolution, I commend the effort of these women, especially as we have just finished the dedication of the memorial of World War II. Because that memorial is a dedication not only to those that died but to all of our fighting men and their families. The women during World War II were what kept the spirit up in a very strenuous time for many families in many communities as we saw relatives and loved ones die in service.

So I would just like to expand the commendation of women during World War II to the knitting of scarves and the collecting of cookies and all of the work that went on, in addition to those women that allowed us the production of planes and ships and guns and ammunition.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, this decision to go in to work in the industrial forces of this country during World War II was not a decision that could be taken lightly. The fact of the matter is this was dangerous, hard, heavy work that these women were engaged in, in many of these professions. We are told that between Pearl Harbor and January 1 of 1944, 37,000 people were killed in these industrial factories and shipyards and airplane factories, and over 210,000 were permanently disabled, and almost 4 million were temporarily disabled, 60 times the count on the battlefront in that situation. So these women were making serious sacrifices in many instances and, in some cases, their lives.

This weekend, as I mentioned, we will do a ribbon-cutting on the Visitors Center of the Rosie the Riveter World War II homefront Park in Richmond, California, and it is symbolic of so many of the activities that took place on the homefront in the San Francisco Bay area and elsewhere in the Nation. There are other sites around the Nation that will be added to this park where these homefront activities took place.

But in the western United States prior to the war, for the decade prior to the war, we had produced no merchant ships and, all of a sudden, with the advent of the war, we produced 4,600 ships in 1,300 days. In one instance we produced a ship, the SS *Robert Peary*, a liberty ship, in 4 days, 15 hours, and 29 minutes from start to finish. That ship was produced and sent on its way to contribute to the war. That effort was possible because of the participation of women in the workforce, the Rosie the Riveters, and the contributions that they made to the homefront campaign to not only ready America for the war, to keep it engaged in the war, but to win that war in Europe and in the Pacific campaigns.

Thousands and thousands of workers migrated across the country to come to California to work in the war industries, to work on the West Coast, in Seattle, in Puget Sound, and elsewhere in those war industries. As they did, they changed, as so many of our colleagues have already spoken to, they changed the face of the workforce, they changed the race of the workforce, they changed the makeup of the workforce, and they changed the attitudes of employers toward workers. Because at the Kaiser Shipyard they knew that they needed to keep every employee on the job all of the time.

That is why we saw what is now the Kaiser health care system. The largest HMO in the country today was started in the Kaiser shipyards in Richmond, California. It was there because they provided full health care coverage for all of their workers and their families. In my district, of those people who have health care insurance, I think roughly three out of four are enrolled in the Kaiser insurance plan.

That is a legacy of the Rosie the Riveter days of the homefront effort during the war and is the model for child care in the workplace in this country. It was begun in these industries because of the necessity of making sure that these women could balance the care of their children, the good health of their children, and the need of this country to have them engage in the workforce.

I am very proud that one of my aunts, Laura Kerry, was a Rosie the Riveter in the shipyards. My father worked as a labor arbitrator for the shipyards between the workforce and the employers at that time.

So, again, I want to thank the gentlewoman from West Virginia (Mrs. CAPITO) for sponsoring this resolution, and the Women's Caucus and the gentlewoman from New York (Ms. SLAUGHTER) for her sponsorship on this side of this legislation.

Mr. Speaker, I urge all of my colleagues to support this measure.

Mr. Speaker, I yield back the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

I want to again thank the gentlewoman from West Virginia (Mrs. CAPITO) for her work on this legislation and for bringing forth the opportunity that we could all take a few minutes and say thank you to the women that we know, the Rosies, who have been here and who have worked.

I think that one of the things that they have done is that they set forth for us, as we have heard from so many of our speakers today, more or less a role model for how they lived patriotism, how they worked each and every day, and how they displayed that love of freedom. As some of our colleagues have talked, it was through victory gardens, it was through keeping other children, it was through enabling the women who could head into the factories and head into the workplace to be there and to do a great job. And, of course, they did change the face of the workplace.

But I think that, probably more than that, one of the things that they accomplished and did a tremendous job in accomplishing was giving us a peace dividend. That is something that their children and their grandchildren have enjoyed and continue to enjoy today, and it is because of the extraordinary effort of so many of the Rosie the Riveters. What a pleasure it is today for us to join together and to thank each and every one of them for those efforts.

Ms. PELOSI. Mr. Speaker, I am proud to join my colleagues and all the women Members of Congress in cosponsoring this resolution and honoring the contributions of the women who served the homefront during World War II. Symbolized by ''Rosie the Riveter,'' these women answered the call to aid America at a pivotal time in our Nation's history.

Millions of ''Rosies'' produced the planes, ships, tanks, trucks, guns, and ammunition that America needed to win the war. They were the indispensable workforce at home that helped our Nation achieve victory abroad.

The Rosies not only equipped our country to win the war, they also made it a better place for women. These courageous and hard-working women broke down traditional barriers surrounding women and the workplace. Shattering stereotypes, the Rosies were not only successful workers but were also dedicated wives and mothers.

The Rosies created new opportunities for women in all parts of our society. They blazed a trail that American women continue to follow today. Sixty years later, ''Rosie the Riveter'' has become a lasting symbol of women's rights and an icon of the can-do spirit of women. As the famous Rosie poster said, ''We can do it.''

The Rosies helped build our military at a critical time, and they helped build a better America. We are all forever in their debt.

Ms. MAJETTE. Mr. Speaker, what does a woman say to those who have paved her way? We, each of us women in the Congress, could not have done it without you, Rosie. It certainly wasn't an easy haul, and we are still fighting, but you picked up a hammer, literally, and tore down the barrier. It took years for them to stop putting it up again, after all your hard work and patriotic dedication, but here we are.

Women of today have the Rosies to thank for ground gained in women's empowerment. Often thought of as the first substantial force of working women, you have certainly earned your place in history.

Across the Nation, more than 6 million Rosies departed from their everyday routine. And in my home state of Georgia, we have our very own Rosies still living and serving as an example of what it means to blaze a trail, to fight, to sacrifice, and to be an American patriot. As we honor these women who stayed on the home front and supported the war effort by passing House Concurrent Resolution

413, I want to thank Georgia's Rosies: Mary Isobel Keena, Atlanta; Constance Hagen, Hiawassee; Emery Gantz, Lawrenceville; Elizabeth Bolen Minton, Pine Mountain Valley; and Jeannie Mae Euler, whose family lives in Athens, GA, for all they have given to the country and the confidence of America's women.

These and all the other Rosies throughout the United States deserve our thanks as we honor each of them today—you taught the women of our country not only that we could do it, but that we can do anything.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to thank my colleague, especially Representatives SLAUGHTER, CAPITO SOLIS and BROWN-WAITE, the four co-chairs of the Congressional Caucus for Women's Issues. I was delighted to join my colleagues recently in meeting many of the ''Rosie'' women at an exhibit at Arlington Cemetery honoring their power and their commitment.

I am pleased to be here today to honor the contributions of the women, symbolized by ''Rosie the Riveter'', who served on the homefront during World War II. During World War II, 6,000,000 women stepped forward to work in homefront industries to produce the ships, planes, tanks, trucks, guns, and ammunition that were crucial to achieving an Allied victory; Women transcended gender barriers and worked in homefront industries as welders, riveters, engineers, designers, and managers, and held other positions that had traditionally been held by men.

''There cannot be true democracy unless women's voices are heard. There cannot be true democracy unless women are given the opportunity to take responsibility for their own lives. There cannot be true democracy unless all citizens are able to participate fully in the lives of their country.''—Hillary Rodham Clinton

Rosie the Riveter gave women a chance to have their voices heard and time to show their skills. The need for labor in homefront industries during World War II opened new employment opportunities for women from all walks of life and dramatically increased gender and racial integration in the workplace. I have always believed that women are essential to breaking down barriers and creating a more egalitarian society. The Rosie the Riveter era proves just that.

World War II marked an unprecedented entry of women into jobs that had traditionally been held by men and created a lasting legacy of the ability of women to succeed in those jobs. The needs of working mothers resulted in the creation of child care programs, leading to the lasting legacy of public acceptance of early child development and care outside the home. Now more than ever we must implement polices to show women that we will continue their work. If we can provide childcare for the ''Rosies,'' we certainly owe it to later generations as well.

I want to close with a story of a true Rosie the Riveter; Katie Grant. Katie and Melvin Grant moved from Oklahoma to California in 1943 with their 6-week-old daughter, Laquetta. After working together as fruit packers, Melvin found a job at a fish cannery in Point San Pablo and Katie worked in the Richmond Shipyards. By December, Melvin had joined the Marine Corps and, until his return in August 1945, fought in the Pacific theatre. Katie's testimonial states:

''I worked the graveyard shift 12:00–8:00 a.m., in the shipyard. I took classes on how to weld. I had leather gloves, leather pants, big hood, goggles and a leather jacket. They said you weld like you crochet.

''Well, I did not know how to do that, but I could sew and make a neat stitch. We held the welding rod with one hand and the torch fire in the right hand. Placed the rod in a seam and melted it down in a small bead seam and brushed it off with a steel brush.

''They put me forty feet down in the bottom of the ship to be a tacker. I filled the long seams of the cracks in the ship corners full of hot lead and then brushed them good and you could see how pretty it was. The welders would come along and weld it so it would take the strong waves and deep water and heavy weight. I liked it pretty good. I don't remember how much I got paid for working. Lots of people came to Richmond to work in the shipyards. Lots of women went to work to help with the war. I told Melvin later that I helped to make a ship for him to come home in.''

Ms. SLAUGHTER. Mr. Speaker, today we are honoring the work carried out by all of the ''Rosie the Riveters'' during World War II.

I would like to thank all those from both sides of the House who have shown strong support for H. Con. Res. 413.

I am pleased to state that every woman Representative has already joined together in an unprecedented, bipartisan demonstration of unanimous support by the entire Congressional Caucus for Women's Issues in cosponsoring this historic resolution.

This resolution allows us to:

Honor the extraordinary contributions of the women who dedicated service on the home front during World War II;

Recognize the lasting legacy of equal employment opportunity and support for childcare and health care developed during the ''Rosie the Riveter'' era; and

Call on the people of the United States to take the opportunity to study, reflect on, and celebrate the stories and accomplishments of women who served during World War II.

In conjunction with the dedication to the World War II Memorial on the National Mall this past Memorial weekend, we would like to take the opportunity today to reflect on the contributions made by women who served the country on the home front during World War II.

When 10 million people were abruptly departed from civilian duty, industries servicing the war recruited over 6 million women to fill those positions.

From across the country, and from all different backgrounds, women answered the call to service.

It was the ''Rosies'' who worked on the home front as welders, riveters, engineers, designers, managers and all kinds of other positions that had been traditionally held by men.

Women showed skill and dedication in often dangerous tasks that needed urgency in completion, and did so in record-breaking times.

These contributions showed us the admirable passion, drive and desire that the ''Rosies'' had.

For example, the women who worked at the Ford assembly plant in Richmond, California, built over 49,000 jeeps and prepared for shipment more than 20 percent of all combat vehicles used by the United States during World War II.

More than 25 percent of the Kaiser shipyard workforce in Richmond was made up of women, and produced more ships than any other shipyard in the United States.

The accomplishments Rosies achieved are not exclusive to the war alone. Their efforts of 50 years ago have helped strengthen women's position in society today.

The Rosies demonstrated:

That women are just as able to do the work that only men had been permitted to do;

That women are not inferior to men, and that they are just as able to succeed and even surpass men in the workforce; and

That it was women who stepped up to keep our country running during the war, and deserve to be appreciated by our entire Nation for their achievements.

The Rosie the Riveter/World War II Home Front National Park in Richmond, California is one of the steps we have taken to ensure the efforts of women during World War II are not forgotten.

This park will help preserve for the benefit of the United States the sites, structures and areas located in Richmond that were instrumental in war time efforts and success.

Finally, I would like to make a special note of one of the Rosies whom I had the opportunity to meet 2 weeks ago at a congressional reception that we had in honor of the Rosies.

One of my ''former constituents''—had I been serving in Congress at the time—Lois Turner worked as a mechanic at Bell Aircraft in Niagara Falls, NY, from 1943 to 1945.

I understand that because she had small hands, she was able to do the safety wiring in areas of the plane that others couldn't reach, often being held upside down for 15 minutes at a time to get to especially tight spots.

To Lois, and to all of the Rosies who have honored us with their presence for the celebrations in Washington, DC, over the past few weeks, as well as all Rosies everywhere—I thank you for your courageous service and dedication to our nation.

I urge my colleagues in the House of Representatives to pass this resolution unanimously, in a strong demonstration of our thanks to the millions of Rosie the Riveters who so valiantly served our country.

Mrs. BLACKBURN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 413.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SIMPLE TAX FOR SENIORS ACT OF 2004

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 4109) to allow seniors with Social Security and pension income to file their income tax returns on a new Form 1040SR without regard to the amount of interest or taxable income of the senior, as amended.

The Clerk read as follows:

H.R. 4109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Simple Tax for Seniors Act of 2004''.

SEC. 2. FORM 1040S FOR SENIORS.

(a) IN GENERAL.—The Secretary of the Treasury (or the Secretary's delegate) shall make available a form, to be known as ''Form 1040S'', for use by individuals to file the return of tax imposed by chapter 1 of the Internal Revenue Code of 1986. Such form shall be as similar as practicable to Form 1040EZ, except that—

(1) the form shall be available to individuals who have attained age 65 as of the close of the taxable year,

(2) the form may be used even if income for the taxable year includes—

(A) social security benefits (as defined in section 86(d) of the Internal Revenue Code of 1986),

(B) distributions from qualified retirement plans (as defined in section 4974(c) of such Code), annuities or other such deferred payment arrangements,

(C) interest and dividends, or

(D) capital gains and losses taken into account in determining adjusted net capital gain (as defined in section 1(h)(3)), and

(3) the form shall be available without regard to the amount of any item of taxable income or the total amount of taxable income for the taxable year.

(b) EFFECTIVE DATE.—The form required by subsection (a) shall be made available for taxable years beginning after December 31, 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. FOLEY) and the gentleman from North Dakota (Mr. POMEROY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. FOLEY).

(Mr. FOLEY asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first open up with the discussion on H.R. 4109 and the importance of this bill that is on the floor today, the Simple Tax For Seniors Act of 2004.

Mr. Speaker, in America, it is customary to recognize the long life and achievements of older citizens by offering a discount on rides, theater tickets, and other fees. While there are certainly many businesses that choose not to offer discounts, Federal law requires that all individuals be treated equally in public accommodations. Yet, there is an exception.

Instead of offering a discount, the IRS makes filing a tax return more difficult for seniors. Taxpayers aged 65 or older are not allowed to use the one-page form 1040EZ, even if they have a simple return and choose not to itemize deductions. Instead, seniors are required to file using the far more complicated form 1040 and its numerous schedules.

There are over 35 million seniors over the age of 65, and the IRS receives over 10 million standard tax returns from seniors each year. Due to the retirement of the baby boom generation, this number is expected to rise to 12.5 million by 2010. The IRS has taken note of this trend and, thankfully, the agency is working on a new simplified tax form for seniors. But even though the test form has been popular among a focus group of seniors, the IRS has not yet fully or finally decided to implement the new form and make it available.

The IRS estimates that the new form, assuming it is made available, will simplify tax filing for millions of seniors and their tax preparers.

□ 1445

This legislation will assure the IRS devises a simple form for seniors to use in filing their 2005 tax returns.

Senior taxpayers earning Social Security, retirement benefits, interest and capital gains will be able to meet their obligations on a simple tax form tailored to the specific needs of senior filers.

Because it will make tax filing easier for seniors, the bill has the strong support of the AARP, the American Association of Retired Persons, and the 60–Plus Association.

Mr. Speaker, during the past several weeks, we have addressed the marriage penalty and other problems with the tax system. Now is the time to address the senior penalty. There is little justification for denying seniors access to a means of filing that is so popular and efficient.

I would like to thank the gentleman from Georgia (Mr. BURNS) and the gentleman from California (Mr. COX) for championing this piece of legislation. I urge my colleagues to support the legislation.

I also know it will be difficult for those to see, but it is a 1040EZ form. It is very, very simple; it is easy to read. It is not complicated, and it provides all the details necessary for the IRS to properly calculate either liabilities or refunds. The beauty of a form like this is that it is simple. Many know that even those who have the help of accountants find it an enormous task in completing the IRS required forms. But for the seniors to be further penalized by not being able to participate in this easy document is simply shameful. So we are very excited about the chance to bring this bill to the floor.

I have as well, and I will provide and place into the RECORD, the floor statement of the gentleman from California (Mr. COX) relative to this; but I want to take a moment also to single out one of his constituents, a member of the Silver Haired Congress, Mr. Roland Boucher of California, Orange County, California. This idea germinated basically in a discussion of the Silver Haired Congress.

Many people I know say nothing ever gets through Congress. You cannot reach the people. It is hard for them to understand the difficulties people face. They are just not hearing me. Well, Mr. Boucher, your idea has merit. It has been brought to the attention of the policy committee. The gentleman from California (Mr. COX) is the chairman of the policy committee and, of course, he is a member of the Congress, but also the hard working efforts of the gentleman from Georgia (Mr. BURNS), who decided to team up together to make certain that this idea not only was vetted properly in the policy committee but was ultimately brought forward by the Committee on Ways and Means which has jurisdiction for Social Security.

So to Mr. Boucher and the Silver Haired Congress, I salute you for taking the time to bring the idea and the notion to Congress of the inequity of the current situation where seniors were not allowed to file on the simple form. It is another example of where Congress hears from constituents and legislation is enacted on this floor, the people's House, bringing these ideas forward for seniors everywhere to enjoy the simplified form.

So I place Mr. COX's statement into the RECORD, who had to go to the White House for some briefings on homeland security, a very, very important topic. And I know he wants this placed in the RECORD.

Mr. Speaker, at this point I will also enter into the RECORD the 1040S form so it can be part of the testimony.

Form **1040S** Department of the Treasury—Internal Revenue Service **U.S. Individual Income Tax Return** **200X** IRS Use Only—Do not write or staple in this space.

Label (See page 19.)

Use the IRS label or print or type.

Your first name and initial	Last name	OMB No. 1545-0074 Your social security number
If a joint return, spouse's first name and initial	Last name	Spouse's social security number
Home address (number and street). If you have a P.O. box, see page 20.	Apt. no.	▲ **Important!** ▲ You **must** enter your SSN(s) above.
City, town or post office, state, and ZIP code. If you have a foreign address, see page 20.		

Presidential Election Campaign (See page 20.) ▶ **Note.** Checking "Yes" will not change your tax or reduce your refund. Do you, or your spouse if filing a joint return, want $3 to go to this fund? ▶ ☐ Yes ☐ No ☐ Yes ☐ No (You / Spouse)

Filing Status Check only one box.

1 ☐ Single 2 ☐ Married filing jointly (even if only one had income)

Exemptions

3a ☐ **Yourself.** If someone can claim you as a dependent, **do not** check box 3a . . . . . .

b ☐ **Spouse** . . . . . } Number of boxes checked on 3a and 3b ▶ 3c ☐

Adjusted Gross Income

4	Wages, salaries, tips, etc. Attach Form(s) W-2		4
5a	**Taxable** interest. Attach Schedule B if required		5a
b	**Tax-exempt** interest. **Do not** include on line 5a	5b	
6a	Ordinary dividends. Attach Schedule B if required		6a
b	Qualified dividends (see page 23)	6b	
7	Taxable refunds, credits, or offsets of state and local income taxes (see page 23)		7
8	Capital gain or (loss). Attach Schedule D if required. If not required, check here ▶ ☐		8
9a	IRA distributions, pensions, and annuities 9a	b Taxable amount (see page 25)	9b
10a	Social security benefits 10a	b Taxable amount (see page 27)	10b
11	**Adjusted gross income.** Add the amounts in the far right column for lines 4 through 10b ▶		11

Taxable Income

12	Check if: ☐ **You** were born before January 2, 19XX, ☐ Blind. ☐ **Spouse** was born before January 2, 19XX, ☐ Blind. **Total boxes checked** ▶ 12 ☐		
13	Enter the **larger** of your: **Itemized deductions** from Schedule A **or** **Standard deduction** shown below for your filing status. **But** see page 32 if you checked any box on line 12 **or** someone can claim you as a dependent. • Single, $X,XXX • Married filing jointly, $X,XXX		13
14	Subtract line 13 from line 11		14
15	If line 11 is $XXX,XXX or less, multiply $X,XXX by the number of exemptions entered in the box on line 3c. If line 11 is over $XXX,XXX, see the worksheet on page 33		15
16	**Taxable income.** Subtract line 15 from line 14. If line 15 is more than line 14, enter -0-		16

SAMPLE DRAFT NOT FOR FILING

Form 1040S (200X) Page 2

Tax, Credit, and Payments

17	Amount from line 16 (taxable income)		17
18	**Tax** (see page 34)		18
19	**Alternative minimum tax** (see page 34). Attach Form 6251		19
20	Add lines 18 and 19		20
21	Credit for the elderly or the disabled. Attach Schedule R		21
22	**Total tax.** Subtract line 21 from line 20. If line 21 is more than line 20, enter -0- ▶		22
23	Federal income tax withheld from Forms W-2 and 1099	23	
24	200X estimated tax payments and amount applied from 200X return	24	
25	**Total payments.** Add lines 23 and 24 ▶		25

Refund

26	**Amount overpaid.** If line 25 is more than line 22, subtract line 22 from line 25		26
27a	Amount of line 26 you want **refunded to you** ▶		27a

Direct deposit? See page 40 and fill in 27b, 27c, and 27d.

▶ b Routing number ▶ c Type: ☐ Checking ☐ Savings

▶ d Account number

28	Amount of line 26 you want **applied to your 200X estimated tax** ▶	28	

Amount You Owe

29	**Amount you owe.** Subtract line 25 from line 22. For details on how to pay, see page 41 ▶		29
30	Estimated tax penalty (see page 42)	30	

Third Party Designee

Do you want to allow another person to discuss this return with the IRS (see page 42)? ☐ **Yes.** Complete the following. ☐ **No**

Designee's name ▶ Phone no. ▶ ( ) Personal identification number (PIN) ▶

Sign Here

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and accurately list all amounts and sources of income I received during the tax year. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Joint return? See page 20. Keep a copy for your records.

Your signature	Date	Your occupation	Daytime phone number ( )
Spouse's signature. If a joint return, **both** must sign.	Date	Spouse's occupation	

Paid Preparer's Use Only

Preparer's signature	Date	Check if self-employed ☐	Preparer's SSN or PTIN
Firm's name (or yours if self-employed), address, and ZIP code		EIN	
		Phone no. ( )	

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very worried that somebody might hurt themselves patting themselves on the back on this one so let me put this in perspective. What we are about to legislate is a congressional directive to the Treasury Department, to the agency overseeing the IRS, to do what the IRS is doing.

We are all for simplified tax forms for seniors, and I will be happy to support this legislation. I will go into the detail of it in a minute. I have got before me and I will offer as an exhibit in the RECORD a sample form released by the Treasury Department yesterday which is precisely the subject of the legislation before us.

In other words, in this instance, Congress appears to be scrambling to try and get in front of the parade that is already well under way. We have prospects, I believe, of bringing this online with or without this legislation. But because everyone is for tax simplification for seniors, I urge my colleagues to vote for it.

To correct any misunderstandings, seniors are not presently precluded from using the 1040EZ form. On the other hand, it does not capture a senior citizen deduction relevant to their needs. That is why seniors using simplified forms tend to use the form 1040A. It is a simplified form, 20 million Americans use it, a number of them seniors; but it includes items not relevant to seniors' taxable situations. Items like educator expenses, student loan interest, tuition and fees deductions, these are extra lines on here. They are very clear what they purport to mean, but they are irrelevant to a senior's considerations.

So the IRS, under the leadership of Commissioner Mark Everson, has developed a form that is simple, two pages, captures the sources of income commonly reported by seniors, including investment income, pension, interest, dividend income, capital gains and losses. It includes all of that, but still in a simplified form with a larger font to make it a little more readable for seniors.

I commend the commissioner for his leadership of the IRS. I believe that he has taken steps to improve its service to taxpayers while improving compliance with the Tax Code by the taxpayers. I am very heartened about the stepped-up targeted audit activities geared toward large corporate concerns that have been routinely cheating on the Tax Code. I also commend him for this particular initiative simplifying the Tax Code for seniors. I guess we in Congress thought it was such a good idea we are scrambling to get a little bit of the credit ourselves.

So I would urge my colleagues on both sides of the aisle to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

I would like to commend the majority. When we took control of Congress in 1994, we were very specific in sending a message to the IRS through hearings we held here in the Capitol that we wanted more simplified forms. So I do not agree to the notion that somehow we are trying to get ahead of the curve here or catch up with the IRS. It is after our pleadings with them to make the IRS more user friendly do we find ourselves now viewing the forms that they are testing. In fact, they have been tested in two locations, in Tampa and in Minneapolis, so we know that the tests are receiving very popular and positive acclamation.

Our idea is that we now further define it so that the IRS, in fact, will make this available for all seniors who choose to use them.

Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. BURNS), the author of this legislation.

Mr. BURNS. Mr. Speaker, I thank the gentleman from California (Mr. COX) and the policy committee in working with me on this legislation, the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, and the gentleman from Florida (Mr. FOLEY) for managing the debate and supporting this legislation today.

This is a Simple Tax For Seniors Act. Simple. Simple tax for seniors. 1982, 24 years ago, the IRS developed the 1040EZ which works for everyone in America except seniors. 24 years. The IRS had an opportunity to correct an oversight, really a blatant example of age discrimination, and yet they have chosen not to act. We are in a position today to correct that problem.

It is incredible, absolutely incredible that the current tax law provides simplified tax forms for all Americans except those over 65. This is nothing other than age discrimination on the part of the Federal agency, the IRS. We are told that this injustice stems from an earlier era where all Americans retired at 65 and the 1040EZ had no place to report retirement income. That is no excuse. It is no excuse for not providing a short form for our seniors. If a 1040EZ does not do the job, then we ought to have a separate form that does. Again, that is what this bill does today.

This legislation creates the 1040S for seniors that is a simplified tax form. It will provide our seniors with a short form similar to the EZ that all the country can use; and amazingly enough, it results in tax savings. Tax savings and Federal dollar savings for the IRS.

There are an estimated 11 million Americans over the age of 65 who currently file the standard 1040 form without taking one itemized deduction. They would be delighted to be able to use a new short form if one were available. We know that the current EZ form costs the IRS about half as much to process as the standard 1040. So we can reasonably expect that we will save 50 percent of the cost of processing associated with the 1040S.

Are there any objections to the bill? Apparently not. I am delighted to have the support from both parties, from both sides of the aisle; but we are not willing to admit the fact that this is something that we have to get done today. Some believe that this form will make it easier for seniors to file their taxes, but it might be at the expense of making it harder for the IRS to audit their returns through an automated system. I do not think that is the case; but if it is the case, then I am going to side with the senior taxpayer over the Federal tax collectors each day and every day.

Some believe that we ought to do nothing. Just wait, just wait for the IRS to make the changes themselves, that given time, given time, they will do what is right. They will do what they ought to do. They will create a form. We have been waiting 24 years.

Why is this bill necessary? We have had a 1040EZ for 2 decades without having a single, simple tax form for seniors. Really a violation of the Civil Rights Act. The Treasury says they are still studying the matter.

We have crafted this bill with the help of the Committee on Ways and Means, working with Treasury, to ensure that the bill guarantees a truly effective short form by 2005, a date certain, 2005. We have done so without leaving any loophole.

Do not allow the IRS to avoid moving forward to produce anything less than a simple form for seniors equal to the simple form employed by all other taxpayers. We have amended the bill to remove all excuses for creating a true short form and provide the force of law against an action spanning years, and indeed decades, by bureaucrats. It does not take the IRS 2 years to audit seniors. It does not take them 2 years to place liens on their homes. It should not take 2 years to draw up a simple form to make it a little easier for seniors to figure out their tax obligation; 2 years can be an eternity for someone in their sunset years.

So if the IRS is truly planning on finally coming out with this short form for seniors, fine. This bill will not hurt a thing. But if they are planning on more stalling, they just got a kick start from the Congress. We are resolved that before this session is over, we will have a law in place that guarantees our seniors will no longer be subject to the blatant age discrimination that they have suffered for years through not having access to a short filing form like the rest of their fellow Americans.

My colleagues, it is pretty simple. It is time that we pass the Simple Tax Act For Seniors, H.R. 4109. I urge my colleagues to support this legislation.

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Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, back in North Dakota people chuckle about the story of the chicken who was absolutely convinced that dawn arrived as a consequence of his crowing. Well, we have heard some crowing today. And the reality is we are going to have a simplified tax form for seniors. In fact, the Treasury Department has published it, shown us what it is going to look like. All this without a congressional bill. But what the heck. It is a good idea so let us join the party and quickly pass this bill.

I would like to straighten out a couple of things. It is not, as my friend and colleague on the Committee on Ways and Means said, that over the last 10 years of Republican majority in this House they have marched steadfastly towards the goal of tax simplification. Well, we all know the reality is a bit different. Hundreds of pages have been added to the Tax Code. It is more complex than ever. Things phase in; things phase out. It is a nightmare. And so I am really delighted to hear both sides of the aisle talking about tax simplification.

I believe this is precisely something we need to do. Now, while the 1040EZ was crafted essentially to capture those that are just basically reporting their W–2 statements, single people or married, wage earners without children, it has done a good job of that. Obviously, senior citizens fall into a different bracket. They have been using the 1040A, which is another simplified form; but we can improve on the 1040A.

I am very pleased that the commissioner of the IRS has demonstrated leadership once again with this 1040S, which I think will be a much better form. To help illustrate the order of events here, this bill before us, H.R. 4109, was introduced, but in the end was not consistent with the work under way at Treasury and IRS to develop a new IRS form. So H.R. 4109 was amended to reflect precisely the work being already done at Treasury. Well, let us salute them for a job well done. I guess we could clap them on the back with a resolution of congratulations. Instead, we will demonstrate our fervor by passing this legislative directive under the suspension bill.

All of that really does not matter. What matters is that we get a simpler form that is going to help seniors, make it easier than ever for seniors filing their taxes. That is what this resolution does. That is why I am going to vote for it.

Mr. Speaker, I reserve the balance of my time.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

First, let me suggest to our colleagues there are several vehicles that would help simplify the IRS completely. The gentleman from Georgia (Mr. LINDER) has a sales tax proposal that is very thoughtful and worth studying, and I urge some Members on both sides of the aisle if they would like to actually simplify the operation of the IRS, they look at that piece of legislation. There are other proposals such as the flat tax proposal that again bears some discovery and conversation.

So as we continue to try and make the IRS as user friendly as we possibly can, I just commend my colleagues to look at that situation.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH), the Chair of the Subcommittee on Research. He is also a member of the Committee on International Relations and a sponsor of flat tax.

Mr. SMITH of Michigan. Mr. Speaker, over the last few years, we have been able to cut taxes; but we have not been able to simplify those taxes. Maybe this is a step in the right direction. And I am the prime sponsor of the flat tax because there is so much favoritism that is now incorporated by special interests, lobbyists and groups putting into our Tax Code, that every favor becomes a disservice to everybody else that has to make up those taxes.

Today the Federal Tax Code has 400 percent more words than the Bible and accompanying the law are a staggering 2.5 million pages of regulations. As a result, it now takes a person filing a 1040 form a full 13 hours and 27 minutes to do their taxes.

H.R. 4109 helps seniors reduce this burden by requiring the IRS, and not leaving it to their discretion, where some administrations might say, let us go ahead and have a 1040S and some administrations say, well, we do not need the 1040S. But this would require the IRS to have a more simplified version of the tax form for seniors.

Under present IRS rules, more than 35 million individuals age 65 or older are not permitted to use the 1040EZ; and the ratio of seniors to all individual income tax filers is growing. According to an IRS study, the return filing population aged 65 and over will grow from 10.7 million in 2000 to 12.5 million in 2010. In light of this trend, the IRS has been considering, like the gentleman from North Dakota (Mr. POMEROY) suggests, a simplified tax form for seniors. This legislation will assure IRS follows through on its promise to make such a form available. In particular, the bill requires the IRS to offer to individuals age 65 and over a form 1040S that is as similar as practicable to the 1040EZ.

The IRS is instructed to make the form available notwithstanding the receipt of Social Security benefits, distributions from a qualified retirement plan, annuities or other deferred payment arrangements, interests or dividend or capital gains or losses.

Finally, the IRS is instructed not to establish an income threshold for use of the form so that seniors with incomes in excess of the $50,000, the current threshold for form 1040EZ, will be permitted to use the simplified form.

The IRS estimates that as many as 11 million seniors will use the new form in the first year it is made available.

As one of the few members of Congress who does his own taxes, I am well aware of the mind-numbing complexity of figuring out the income tax. As the old saying goes, there's nothing certain but death and taxes. We can't do anything about death, but we can and should make taxes as fair and easy as possible.''

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we should pass this bill. It is a good bill. We should simplify the Tax Code for seniors. That effort has been well under way. I am very pleased the IRS has had the work focus group tested so they have been able to draw direct feedback from senior constituents representative of those who will now be using the new form. I am pleased to vote for this bill.

I, just again, to put it all in perspective, let us not be claiming too much credit here. This effort was well under way, but it is a good thing to do. Let us do it.

Mr. Speaker, I yield back the balance of my time.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we have an opportunity to make life easier for millions of American seniors who file a tax return. In view of the large number of seniors and the relatives who file on their own and the growing number of seniors, the IRS has long recognized the need to simplify tax filing for seniors.

In support of this goal, the IRS has conducted focus group meetings in Tampa, Florida and Minneapolis, Minnesota in which group members praised a test form 1040S developed by the IRS. If Congress does not act, however, there is no guarantee that the IRS will make this simple filing option available. Moreover, seniors will continue to be barred from using form 1040EZ because of their age.

The American Association For Retired Persons supports this legislation. So does 60–Plus. And the Joint Committee on Taxation has concluded that it will not cost anything in terms of revenue.

Mr. Speaker, I want to thank the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, for bringing this measure to the floor; the gentleman from California (Mr. COX), chairman of the policy committee; the gentleman from Georgia (Mr. BURNS), the sponsor of this legislation; my colleague, the gentleman from North Dakota (Mr. POMEROY), on the Democratic side; and again a special recognition of Mr. BOUCHER of the Silver Haired Congress from Orange County, California, for illuminating the problem and bringing this idea to the United States House of Representatives.

Mr. COX. Mr. Speaker, thanks to the gentleman from Georgia, Mr. BURNS, for sponsoring this outstanding and much-needed reform of our tax system. This bill will direct the IRS to create a simpler, shorter, less time-consuming tax return for America's senior citizens. As you might expect, Mr. BURNS' success with this bill means that seniors will save

time and money during tax season, but the good news for all of us is that in fact, all taxpayers will benefit, because simple forms cost the IRS less money to process. So we are cutting government spending with the passage of this act. According to the IRS, the government spends 50 percent more processing the standard 1040 than it does processing the short 1040EZ form.

I appreciate Mr. BURNS' leadership on this issue. I also want to thank a constituent of mine, Roland Boucher, for helping to put this issue on the map and for sharing with me a number of ideas which I shared with Congressman BURNS, who led this lightning-strike campaign to craft a bill, bring it to the House floor, and provide relief for seniors in time for the 2005 tax year. Roland Boucher, who is my delegate to the National Silver Haired Congress and Chairman of United Californians for Tax Reform, has been a tireless advocate for this legislation and similar tax reforms in State and local government. And he has sent a message from Orange County, California. Says Roland, ''Please tell Congressman BURNS that he is about to make a lot of seniors very happy. We are tired of being denied a simple option for filing our taxes simply because of age. We're tired of being treated as second-class taxpayers just because we've attained a level of wisdom and experience to which others can only aspire.''

Representative BURNS' bill is a valuable reform for America's more than 35 million seniors, all of whom are denied the use of the existing 1040EZ form by IRS regulation. Simplicity and a less time-consuming process at tax time could yield enormous benefits, precisely because the IRS has made the current system so difficult. The Tax Foundation estimates that taxpayers spend almost 6 billion hours per year complying with our Federal income tax system at an annual cost of $194 billion. This difficulty in meeting the demands that the law and the IRS have placed upon Americans is on the rise. The Tax Foundation estimates that by 2007 the cost could soar as high as $350 billion.

You might think that almost all of this time and money is spent by huge corporations with their complicated capital structures and multitudinous business operations. Wrong. 45 percent of the costs are borne by individuals. Does this burden fall most heavily on the rich, with their various assets and more complicated financial lives? No. The Tax Foundation discovered that compliance costs are highly regressive. Taxpayers with adjusted gross income of less than $20,000 pay a staggering 4.5 percent of income merely in compliance costs. This is an outrageous and unacceptable bureaucratic tax on all Americans, but today we focus only on the unfair treatment of seniors. For a moment let us all imagine what it must be like to be a retired low-income senior, working hard to make ends meet on a fixed income, and then to have to devote almost 5 percent of that limited income just to figure out how much money you owe the IRS. Talk about adding insult to injury. It's time to cut the hassle tax, the anxiety tax, the confusion tax of having to complete an endless, complicated tax return.

Mr. BURNS and I want simplicity and an end to the enormous compliance tax for all Americans. Today, I am proud to stand with the gentleman from Georgia as he leads the first phase of the campaign—relief for America's millions of senior taxpayers. This reform is long overdue. I thank the gentleman from Georgia for making it happen.

Mr. COLLINS. Mr. Speaker, I rise to state my strong support of H.R. 4109, the Simple Tax for Seniors Act of 2004, which would require the Internal Revenue Service to offer a simplified tax form for America's senior citizens.

I commend my Georgia colleague, Congressman MAX BURNS, for introducing this legislation. This common sense legislation would create a new form entitled ''1040–S'' that would enable seniors to file their tax returns in less time and in a simpler format. The new form, which would be similar to the 1040EZ, would be available to seniors for their use when they file their 2005 income tax returns.

Under current law, many seniors cannot use Forms 1040A or 1040EZ, because the IRS limits their use to individuals with less than $50,000 in taxable income.

The bill instructs the IRS to make the form available in spite of the receipt of Social Security benefits, interest or dividends, capital gains or losses, or distributions from a qualified retirement plan, annuity, or other deferred payment arrangement. The IRS is also instructed not to establish an income threshold on the form so that seniors with incomes in excess of $50,000 will be permitted to use the simplified form.

I urge all my colleagues to lend a helping hand to America's senior citizens and vote in favor of the Simple Tax for Seniors Act of 2004.

Mr. FOLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Florida (Mr. FOLEY) that the House suspend the rules and pass the bill, H.R. 4109, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. FOLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1086) to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

TITLE I—STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT OF 2003

SEC. 101. SHORT TITLE.

This title may be cited as the ''Standards Development Organization Advancement Act of 2003''.

SEC. 102. FINDINGS.

The Congress finds the following:

(1) In 1993, the Congress amended and renamed the National Cooperative Research Act of 1984 (now known as the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301 et seq.)) by enacting the National Cooperative Production Amendments of 1993 (Public Law 103–42) to encourage the use of collaborative, procompetitive activity in the form of research and production joint ventures that provide adequate disclosure to the antitrust enforcement agencies about the nature and scope of the activity involved.

(2) Subsequently, in 1995, the Congress in enacting the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) recognized the importance of technical standards developed by voluntary consensus standards bodies to our national economy by requiring the use of such standards to the extent practicable by Federal agencies and by encouraging Federal agency representatives to participate in ongoing standards development activities. The Office of Management and Budget on February 18, 1998, revised Circular A–119 to reflect these changes made in law.

(3) Following enactment of the National Technology Transfer and Advancement Act of 1995, technical standards developed or adopted by voluntary consensus standards bodies have replaced thousands of unique Government standards and specifications allowing the national economy to operate in a more unified fashion.

(4) Having the same technical standards used by Federal agencies and by the private sector permits the Government to avoid the cost of developing duplicative Government standards and to more readily use products and components designed for the commercial marketplace, thereby enhancing quality and safety and reducing costs.

(5) Technical standards are written by hundreds of nonprofit voluntary consensus standards bodies in a nonexclusionary fashion, using thousands of volunteers from the private and public sectors, and are developed under the standards development principles set out in Circular Number A–119, as revised February 18, 1998, of the Office of Management and Budget, including principles that require openness, balance, transparency, consensus, and due process. Such principles provide for—

(A) notice to all parties known to be affected by the particular standards development activity,

(B) the opportunity to participate in standards development or modification,

(C) balancing interests so that standards development activities are not dominated by any single group of interested persons,

(D) readily available access to essential information regarding proposed and final standards,

(E) the requirement that substantial agreement be reached on all material points after the consideration of all views and objections, and

(F) the right to express a position, to have it considered, and to appeal an adverse decision.

(6) There are tens of thousands of voluntary consensus standards available for government use. Most of these standards are kept current through interim amendments and interpretations, issuance of addenda, and periodic reaffirmation, revision, or reissuance every 3 to 5 years.

(7) Standards developed by government entities generally are not subject to challenge under the antitrust laws.

(8) Private developers of the technical standards that are used as Government standards are

often not similarly protected, leaving such developers vulnerable to being named as codefendants in lawsuits even though the likelihood of their being held liable is remote in most cases, and they generally have limited resources to defend themselves in such lawsuits.

(9) Standards development organizations do not stand to benefit from any antitrust violations that might occur in the voluntary consensus standards development process.

(10) As was the case with respect to research and production joint ventures before the passage of the National Cooperative Research and Production Act of 1993, if relief from the threat of liability under the antitrust laws is not granted to voluntary consensus standards bodies, both regarding the development of new standards and efforts to keep existing standards current, such bodies could be forced to cut back on standards development activities at great financial cost both to the Government and to the national economy.

SEC. 103. DEFINITIONS.

Section 2 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301) is amended—

(1) in subsection (a) by adding at the end the following:

''(7) The term 'standards development activity' means any action taken by a standards development organization for the purpose of developing, promulgating, revising, amending, reissuing, interpreting, or otherwise maintaining a voluntary consensus standard, or using such standard in conformity assessment activities, including actions relating to the intellectual property policies of the standards development organization.

''(8) The term 'standards development organization' means a domestic or international organization that plans, develops, establishes, or coordinates voluntary consensus standards using procedures that incorporate the attributes of openness, balance of interests, due process, an appeals process, and consensus in a manner consistent with the Office of Management and Budget Circular Number A–119, as revised February 10, 1998. The term 'standards development organization' shall not, for purposes of this Act, include the parties participating in the standards development organization.

''(9) The term 'technical standard' has the meaning given such term in section 12(d)(4) of the National Technology Transfer and Advancement Act of 1995.

''(10) The term 'voluntary consensus standard' has the meaning given such term in Office of Management and Budget Circular Number A–119, as revised February 10, 1998.''; and

(2) by adding at the end the following:

''(c) The term 'standards development activity' excludes the following activities:

''(1) Exchanging information among competitors relating to cost, sales, profitability, prices, marketing, or distribution of any product, process, or service that is not reasonably required for the purpose of developing or promulgating a voluntary consensus standard, or using such standard in conformity assessment activities.

''(2) Entering into any agreement or engaging in any other conduct that would allocate a market with a competitor.

''(3) Entering into any agreement or conspiracy that would set or restrain prices of any good or service.''.

SEC. 104. RULE OF REASON STANDARD.

Section 3 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4302) is amended by striking ''of any person in making or performing a contract to carry out a joint venture shall'' and inserting the following: ''of—

''(1) any person in making or performing a contract to carry out a joint venture, or

''(2) a standards development organization while engaged in a standards development activity,

shall''.

SEC. 105. LIMITATION ON RECOVERY.

Section 4 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4303) is amended—

(1) in subsections (a)(1), (b)(1), and (c)(1) by inserting '', or for a standards development activity engaged in by a standards development organization against which such claim is made'' after ''joint venture'',

(2) in subsection (e)—

(A) by inserting '', or of a standards development activity engaged in by a standards development organization'' before the period at the end, and

(B) by redesignating such subsection as subsection (f), and

(3) by inserting after subsection (d) the following:

''(e) Subsections (a), (b), and (c) shall not be construed to modify the liability under the antitrust laws of any person (other than a standards development organization) who—

''(1) directly (or through an employee or agent) participates in a standards development activity with respect to which a violation of any of the antitrust laws is found,

''(2) is not a fulltime employee of the standards development organization that engaged in such activity, and

''(3) is, or is an employee or agent of a person who is, engaged in a line of commerce that is likely to benefit directly from the operation of the standards development activity with respect to which such violation is found.''.

SEC. 106. ATTORNEY FEES.

Section 5 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4304) is amended—

(1) in subsection (a) by inserting '', or of a standards development activity engaged in by a standards development organization'' after ''joint venture'', and

(2) by adding at the end the following:

''(c) Subsections (a) and (b) shall not apply with respect to any person who—

''(1) directly participates in a standards development activity with respect to which a violation of any of the antitrust laws is found,

''(2) is not a fulltime employee of a standards development organization that engaged in such activity, and

''(3) is, or is an employee or agent of a person who is, engaged in a line of commerce that is likely to benefit directly from the operation of the standards development activity with respect to which such violation is found.''.

SEC. 107. DISCLOSURE OF STANDARDS DEVELOPMENT ACTIVITY.

Section 6 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4305) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively,

(B) by inserting ''(1)'' after ''(a)'', and

(C) by adding at the end the following:

''(2) A standards development organization may, not later than 90 days after commencing a standards development activity engaged in for the purpose of developing or promulgating a voluntary consensus standards or not later than 90 days after the date of the enactment of the Standards Development Organization Advancement Act of 2003, whichever is later, file simultaneously with the Attorney General and the Commission, a written notification disclosing—

''(A) the name and principal place of business of the standards development organization, and

''(B) documents showing the nature and scope of such activity.

Any standards development organization may file additional disclosure notifications pursuant to this section as are appropriate to extend the protections of section 4 to standards development activities that are not covered by the initial filing or that have changed significantly since the initial filing.'',

(2) in subsection (b)—

(A) in the 1st sentence by inserting '', or a notice with respect to such standards development activity that identifies the standards development organization engaged in such activity and that describes such activity in general terms'' before the period at the end, and

(B) in the last sentence by inserting ''or available to such organization, as the case may be'' before the period,

(3) in subsection (d)(2) by inserting '', or the standards development activity,'' after ''venture'',

(4) in subsection (e)—

(A) by striking ''person who'' and inserting ''person or standards development organization that'', and

(B) by inserting ''or any standards development organization'' after ''person'' the last place it appears, and

(5) in subsection (g)(1) by inserting ''or standards development organization'' after ''person''.

SEC. 108. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to alter or modify the antitrust treatment under existing law of—

(1) parties participating in standards development activity of standards development organizations within the scope of this title, including the existing standard under which the conduct of the parties is reviewed, regardless of the standard under which the conduct of the standards development organizations in which they participate are reviewed, or

(2) other organizations and parties engaged in standard-setting processes not within the scope of this amendment to the title.

TITLE II—ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM ACT OF 2003

SEC. 201. SHORT TITLE.

This title may be cited as the ''Antitrust Criminal Penalty Enhancement and Reform Act of 2003''.

Subtitle A—Antitrust Enforcement Enhancements and Cooperation Incentives

SEC. 211. SUNSET.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 211 through 214 shall cease to have effect 5 years after the date of enactment of this Act.

(b) EXCEPTION.—With respect to an applicant who has entered into an antitrust leniency agreement on or before the date on which the provisions of sections 211 through 214 of this subtitle shall cease to have effect, the provisions of sections 211 through 214 of this subtitle shall continue in effect.

SEC. 212. DEFINITIONS.

In this subtitle:

(1) ANTITRUST DIVISION.—The term ''Antitrust Division'' means the United States Department of Justice Antitrust Division.

(2) ANTITRUST LENIENCY AGREEMENT.—The term ''antitrust leniency agreement,'' or ''agreement,'' means a leniency letter agreement, whether conditional or final, between a person and the Antitrust Division pursuant to the Corporate Leniency Policy of the Antitrust Division in effect on the date of execution of the agreement.

(3) ANTITRUST LENIENCY APPLICANT.—The term ''antitrust leniency applicant,'' or ''applicant,'' means, with respect to an antitrust leniency agreement, the person that has entered into the agreement.

(4) CLAIMANT.—The term ''claimant'' means a person or class, that has brought, or on whose behalf has been brought, a civil action alleging a violation of section 1 or 3 of the Sherman Act or any similar State law, except that the term does not include a State or a subdivision of a State with respect to a civil action brought to recover damages sustained by the State or subdivision.

(5) COOPERATING INDIVIDUAL.—The term ''cooperating individual'' means, with respect to an antitrust leniency agreement, a current or former director, officer, or employee of the antitrust leniency applicant who is covered by the agreement.

(6) PERSON.—The term ''person'' has the meaning given it in subsection (a) of the first section of the Clayton Act.

SEC. 213. LIMITATION ON RECOVERY.

(a) IN GENERAL.—Subject to subsection (d), in any civil action alleging a violation of section 1 or 3 of the Sherman Act, or alleging a violation of any similar State law, based on conduct covered by a currently effective antitrust leniency agreement, the amount of damages recovered by or on behalf of a claimant from an antitrust leniency applicant who satisfies the requirements of subsection (b), together with the amounts so recovered from cooperating individuals who satisfy such requirements, shall not exceed that portion of the actual damages sustained by such claimant which is attributable to the commerce done by the applicant in the goods or services affected by the violation.

(b) REQUIREMENTS.—Subject to subsection (c), an antitrust leniency applicant or cooperating individual satisfies the requirements of this subsection with respect to a civil action described in subsection (a) if the court in which the civil action is brought determines, after considering any appropriate pleadings from the claimant, that the applicant or cooperating individual, as the case may be, has provided satisfactory cooperation to the claimant with respect to the civil action, which cooperation shall include—

(1) providing a full account to the claimant of all facts known to the applicant or cooperating individual, as the case may be, that are potentially relevant to the civil action;

(2) furnishing all documents or other items potentially relevant to the civil action that are in the possession, custody, or control of the applicant or cooperating individual, as the case may be, wherever they are located; and

(3)(A) in the case of a cooperating individual—

(i) making himself or herself available for such interviews, depositions, or testimony in connection with the civil action as the claimant may reasonably require; and

(ii) responding completely and truthfully, without making any attempt either falsely to protect or falsely to implicate any person or entity, and without intentionally withholding any potentially relevant information, to all questions asked by the claimant in interviews, depositions, trials, or any other court proceedings in connection with the civil action; or

(B) in the case of an antitrust leniency applicant, using its best efforts to secure and facilitate from cooperating individuals covered by the agreement the cooperation described in clauses (i) and (ii) and subparagraph (A).

(c) TIMELINESS.—If the initial contact by the antitrust leniency applicant with the Antitrust Division regarding conduct covered by the antitrust leniency agreement occurs after a State, or subdivision of a State, has issued compulsory process in connection with an investigation of allegations of a violation of section 1 or 3 of the Sherman Act or any similar State law based on conduct covered by the antitrust leniency agreement or after a civil action described in subsection (a) has been filed, then the court shall consider, in making the determination concerning satisfactory cooperation described in subsection (b), the timeliness of the applicant's initial cooperation with the claimant.

(d) CONTINUATION.—Nothing in this section shall be construed to modify, impair, or supersede the provisions of sections 4, 4A, and 4C of the Clayton Act relating to the recovery of costs of suit, including a reasonable attorney's fee, and interest on damages, to the extent that such recovery is authorized by such sections.

SEC. 214. RIGHTS, AUTHORITIES, AND LIABILITIES NOT AFFECTED.

Nothing in this subtitle shall be construed to—

(1) affect the rights of the Antitrust Division to seek a stay or protective order in a civil action based on conduct covered by an antitrust leniency agreement to prevent the cooperation described in section 213(b) from impairing or impeding the investigation or prosecution by the Antitrust Division of conduct covered by the agreement;

(2) create any right to challenge any decision by the Antitrust Division with respect to an antitrust leniency agreement; or

(3) affect, in any way, the joint and several liability of any party to a civil action described in section 213(a), other than that of the antitrust leniency applicant and cooperating individuals as provided in section 213(a) of this title.

SEC. 215. INCREASED PENALTIES FOR ANTITRUST VIOLATIONS.

(a) RESTRAINT OF TRADE AMONG THE STATES.—Section 1 of the Sherman Act (15 U.S.C. 1) is amended by—

(1) striking ''$10,000,000'' and inserting ''$100,000,000'';

(2) striking ''$350,000'' and inserting ''$1,000,000''; and

(3) striking ''three'' and inserting ''10''.

(b) MONOPOLIZING TRADE.—Section 2 of the Sherman Act (15 U.S.C. 2) is amended by—

(1) striking ''$10,000,000'' and inserting ''$100,000,000'';

(2) striking ''$350,000'' and inserting ''$1,000,000''; and

(3) striking ''three'' and inserting ''10''.

(c) OTHER RESTRAINTS OF TRADE.—Section 3 of the Sherman Act (15 U.S.C. 3) is amended by—

(1) striking ''$10,000,000'' and inserting ''$100,000,000'';

(2) striking ''$350,000'' and inserting ''$1,000,000''; and

(3) striking ''three'' and inserting ''10''.

Subtitle B—Tunney Act Reform

SEC. 221. PUBLIC INTEREST DETERMINATION.

(a) CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) the purpose of the Tunney Act was to ensure that the entry of antitrust consent judgments is in the public interest; and

(B) it would misconstrue the meaning and Congressional intent in enacting the Tunney Act to limit the discretion of district courts to review antitrust consent judgments solely to determining whether entry of those consent judgments would make a ''mockery of the judicial function''.

(2) PURPOSES.—The purpose of this section is to effectuate the original Congressional intent in enacting the Tunney Act and to ensure that United States settlements of civil antitrust suits are in the public interest.

(b) PUBLIC INTEREST DETERMINATION.—Section 5 of the Clayton Act (15 U.S.C. 16) is amended—

(1) in subsection (d), by inserting at the end the following: ''Upon application by the United States, the district court may, for good cause (based on a finding that the expense of publication in the Federal Register exceeds the public interest benefits to be gained from such publication), authorize an alternative method of public dissemination of the public comments received and the response to those comments.'';

(2) in subsection (e)—

(A) in the matter before paragraph (1), by—

(i) striking ''court may'' and inserting ''court shall''; and

(ii) inserting ''(1)'' before ''Before''; and

(B) striking paragraphs (1) and (2) and inserting the following:

''(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

''(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

''(2) Nothing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.''; and

(3) in subsection (g), by inserting ''by any officer, director, employee, or agent of such defendant'' before '', or other person''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1086.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1086, the Standards Development Organization Advancement Act of 2003. This legislation contains several important revisions to America's antitrust laws.

Title I of the legislation contains limited antitrust protection for standards development organizations. Technical standards play a critical role in fostering competition and promoting public health and safety. Without standards there would be no compatibility among broad categories of products and less confidence in a range of building, fire, and safety codes that promote the public welfare.

In the United States, most standards development is conducted by private nonprofit organizations known as Standards Development Organizations, or SDOs. This approach reflects the fact that private organizations are better able to keep up with the rapid pace of technological change. Congress has recognized the importance of SDOs and requires Federal agencies to adopt standards issued by these organizations whenever possible.

Over the last several years, the critical efforts of SDOs have been undermined by sometimes frivolous antitrust lawsuits. The growing frequency of these claims against SDOs stifles their ability to obtain technical information, hampers their effectiveness, and undermines the public goals that the SDOs advance.

I introduced this bill to remedy this problem. This legislation codifies the rule of reason for antitrust scrutiny of SDOs which requires courts to assess

whether the standards-setting activities of an SDO are procompetitive. It also limits the SDOs civil liability to actual, rather than treble, damages, and provides for the recovery of attorneys fees to substantially prevailing parties in antitrust actions against these organizations.

To receive these limited safeguards, H.R. 1086 requires the SDO to inform Federal antitrust authorities of the scope and nature of their activities and to devise and issue standards in a fair and open process prescribed by the legislation.

The Senate amendment we consider today also contains important bipartisan provisions that deter antitrust violations while strengthening antitrust enforcement efforts. Title II harmonizes the treatment of criminal antitrust offenders and other white collar criminals by increasing maximum prison terms for criminal antitrust violations from 3 to 10 years while increasing maximum individual fines for antitrust violations from $350,000 to $1 million. These provisions send an unmistakable message to those who consider violating the antitrust laws that if they are caught they will spend much more time considering the consequences of their actions within the confinement of their prison cells.

Title II also increases maximum corporate fines for antitrust violations from $10 million to $100 million. This considerable increase sends a clear signal to corporate officers and board members that a decision to violate antitrust laws will be severely punished.

Title II of the legislation also contains important modifications to the antitrust leniency program used by the Department of Justice to facilitate the detection and prosecution of antitrust violations. Under existing practice, parties that cooperate with Federal antitrust authorities to uncover violations may not be subject to government prosecution, but remain liable in civil actions brought by private parties. The bill creates an additional incentive for corporations to disclose antitrust violations by limiting their liability in related civil claims to actual damages. Furthermore, while a cooperating party would be liable only for damages attributable to that party's conduct, noncooperating conspirators will remain jointly and severally liable for treble damages for the misconduct of all of the conspirators.

As a result, the full scope of antitrust remedies against nonparticipating parties will remain available to the government and private antitrust plaintiffs.

Finally, the legislation clarifies the Tunney Act. This act gives Federal district courts some authority to review the merits of civil antitrust settlements with the United States before they enter final consent decrees.

□ 1515

Specifically, district courts in which an antitrust suit is brought must assess whether these decrees are ''in the public interest.'' The bill provides legislative guidance to the district courts by listing specific factors to be considered during this analysis. In addition, the legislation facilitates the transmission of comments received during Tunney Act proceedings by allowing Federal judges to order their publication by electronic or other means.

Mr. Speaker, H.R. 1086 contains important provisions that enhance the effectiveness of the antitrust laws and the authority of antitrust enforcement agencies to implement them.

The legislation is truly bipartisan and bicameral in nature, and while several people deserve credit for this legislation, I would like to recognize the late Committee on Science Chief Counsel Barry Beringer. Barry's hard work and dedication brought this legislation to the floor last year, and his decades of dedication and service brought great credit to this House. I urge my colleagues to support the legislation.

Pursuant to the general leave already granted, I will be placing into the RECORD a statement of legislative history that the gentleman from Michigan (Mr. CONYERS) and I have agreed to, and I ask that it appear in the RECORD at the end of my statement.

SUPPLEMENTAL LEGISLATIVE HISTORY FOR H.R. 1086, THE ''STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT OF 2003'' AS ENROLLED BY THE HOUSE AND SENATE

When the House passed H.R. 1086, the ''Standards Development Organization Advancement Act of 2003,'' it only contained provisions directed at including standards-development activities undertaken by certain standards development organizations (SDOs) within the treatment accorded certain joint ventures by the National Cooperative Research and Production Act ''NCRPA.'' The Senate-passed version of H.R. 1086, which substantially incorporates the provisions of the House-passed version in its Title I, also contains an additional title, the ''Antitrust Criminal Penalty Enhancement and Reform Act of 2003.'' The following legislative history is submitted on behalf of the House Committee on the Judiciary jointly by Chairman Sensenbrenner and Ranking Member Conyers:

Section-by-Section Analysis of H.R. 1086

TITLE I—''STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT OF 2003''

Section 101 contains the short title.

Section 102 sets forth the findings and purposes of the bill as they relate to standards development activities and standards development organizations (SDOs). The findings explain the purpose(s) behind the original enactment and subsequent amendment of the National Cooperative Research and Production Act (NCRPA). The findings also discuss how passage of the National Technology Transfer and Advancement Act of 1995 (NTTAA) unintentionally heightened the vulnerability of SDOs to antitrust litigation. The findings also explain how SDOs generally do not stand to benefit from any antitrust violation that might occur during the voluntary consensus standards development process. Finally, this section finds that continuing to subject SDOs to potential treble damages liability under the antitrust laws could impede pro-competitive standards development activity.

Section 103 adds to the existing definitions contained in section 2 of the NCRPA: The term ''standards development activity'' is defined as ''any action taken by a standards development organization for the purpose of developing, promulgating, revising, amending, reissuing, interpreting, or otherwise maintaining a voluntary consensus standard, or using such standard in conformity assessment activities, including actions relating to the intellectual property policies of the standards development organization.'' The definition of ''standards development activity'' excludes the following activities: exchanges of information, including competitively-sensitive information, among competitors relating to cost, sales, profitability, prices, marketing, or distribution of any product, process, or service that is not reasonably required in order to develop or promulgate a voluntary consensus standard or in order to use the standard in conformity assessment activities; agreements or other conduct that would allocate a market among competitors; and agreements or conspiracies that would set or restrain prices of any good or service.

The definition of ''standards development activity'' is broad enough to encompass any action taken by an SDO in ''developing, promulgating, revising, amending. reissuing, interpreting or otherwise maintaining a voluntary consensus standard, or using such standard in conformity assessment activities, including actions relating to the intellectual property policies of the SDO.'' The ''Standards Development Organization Advancement Act of 2003'' is not intended to change or influence existing intellectually property policies currently utilized by various SDOs (including but not limited to, patent searches), nor to affect or influence new intellectual property policies that may be developed in the future. Such policies are vitally important to ensuring a level playing field among all users of a standard that incorporates patented technology. In addition, the legislation is not intended to change or alter the application of existing antitrust laws with respect to intellectual property. The legislation also seeks to encourage disclosure by intellectual property rights owners of relevant intellectual property rights and proposed licensing terms. It further encourages discussion among intellectual property rights owners and other interested standards participants regarding the terms under which relevant intellectual property rights would be made available for use in conjunction with the standard or proposed standard.

The term ''standards development organization'' is defined as ''a domestic or international organization that plans, develops, establishes or coordinates voluntary consensus standards . . . in a manner consistent with Office Management and Budget (OMB) Circular Number A–119, as revised on February 10, 1998.'' The definition includes only the voluntary consensus standards body conducting the particular standards development activity, and does not include firms participating in the standards development activity.

The term ''technical standard'' is defined by reference to section 12(d)(4) of the NTTAA. The term ''voluntary consensus standard'' is defined with reference to revised OMB Circular A–119.

Section 104 amends section 3 of the NCRPA to apply the rule of reason standard to SDOs with respect to covered standards development activities in which they are engaged.

Section 105 amends section 4 of the NCRPA to include properly structured standard-setting activity undertaken by SDOs as eligible for the protections set forth in that section, provided that such activities have been previously disclosed to the antitrust agencies in

accordance with the requirements of the NCRPA, as amended.

Section 106 amends section 5 of the NCRPA to include SDOs, in their involvement in covered standards development activities, within the scope of the NCRPA scheme for awarding attorneys' fees to substantially prevailing parties.

Section 107 amends section 6 of the NCRPA to apply the same disclosure requirements to SDOs as a condition for obtaining the detrebling of damages. In order to obtain the detrebling, the required disclosures must occur not later than 90 days after either the date the SDO commences the standards development activity or the date H.R. 1086 is enacted, whichever is later.

Section 108 provides that the legislation shall not be construed to alter or modify the antitrust treatment of parties participating in a covered standards development activity, except for the SDO conducting the activity, nor of anyone engaged in standard-setting processes that are not within the scope of the legislation.

TITLE II—''ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM ACT OF 2003''

Subtitle A—Antitrust Enforcement Enhancements and Cooperation Incentives

Section 201 contains the short title.

Sections 211–214 strengthen the Antitrust Division's corporate criminal leniency program, by providing that an antitrust leniency applicant who cooperates satisfactorily with the Division in its criminal investigation and prosecution can also receive limited damages exposure in a related private civil action in exchange for satisfactorily cooperating with the private plaintiffs. As Senator Kohl, the co-sponsor of S. 1797 (which included the leniency provisions) stated, these provisions ''will remove a significant disincentive to those who would be likely to seek criminal amnesty and should result in a substantial increase in the number of antitrust conspiracies being detected.'' (Statement of Senator Kohl (co-sponsor of S. 1797) upon introduction of the measure, 149 CONG. REC. S13520 (daily ed. October 29, 2003)).

Section 211 states that sections 211–214 of the title shall sunset five years after the date of enactment, except with respect to ''an applicant who has entered into an antitrust leniency agreement on or before'' the sunset date.

Section 212, defines: ''Antitrust Division'' as ''the United States Department of Justice Antitrust Division''; ''antitrust leniency agreement'' as ''a leniency letter agreement, whether conditional or final, between a person and the Antitrust Division pursuant to the Corporate Leniency Policy of the Antitrust Division in effect on the date of execution of the agreement; ''antitrust leniency applicant'' as ''the person who has entered into the agreement'' described above; ''claimant'' as a ''person or class that has brought, or on whose behalf has been brought, a civil action alleging a violation of section 1 or 3 of the Sherman Act (Section 1 of the Sherman Act (15 U.S.C. §1) prohibits contracts or combinations in restraint of trade; section 3 (15 U.S.C. §3) applies §1 to the District of Columbia and to territories) or any similar State law,'' but specifically excludes plaintiffs who are states or subdivisions of states with respect to civil actions brought to recover damages sustained by the state or subdivision (i.e., civil actions not brought as parens patriae); ''cooperating individual'' as ''a current or former director, officer, or employee of the antitrust leniency applicant who is covered by the agreement''; and ''person'' as the term is defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. §12).

Section 213 states that conduct covered by a ''currently effective antitrust leniency agreement'' will subject an antitrust leniency applicant and its cooperating individuals, as defendants in a private or state enforcement antitrust action, to liability only for the actual portion of damages suffered by the claimant ''attributable to the commerce done by the applicant in the goods or services affected by the violation'' so long as the court in which the civil action is brought determines ''that the applicant or cooperating individual . . . has provided satisfactory cooperation to the claimant. . . .'' The section does not alter existing provisions of the antitrust laws with respect to recovery of costs, including reasonable attorneys' fees.

Satisfactory cooperation shall include ''providing a full account to the claimant of all facts known to the applicant or cooperating individual . . . that are potentially relevant to the civil action'' and ''furnishing all documents or other items that are potentially relevant to the civil action . . . that are in the possession, custody, or control of the applicant or cooperating individual . . . wherever they are located.'' The section's use of the term ''potentially relevant'' is intended to preclude a parsimonious view of the facts or documents to which a claimant is entitled. Documents or other items in the applicant's possession, custody, or control must be produced even if they are otherwise arguably located outside the jurisdiction of the U.S. courts.

If the leniency applicant has applied for a leniency agreement ''after a State, or subdivision of a State, has issued compulsory process in connection with an investigation of allegations of violations of either sections 1 or 3 of the Sherman Act or any similar State law based on conduct covered by the antitrust leniency agreement or after a civil action . . . has been filed,'' the court must consider the timeliness of the applicant's initial cooperation with the claimant. Thus, this section is not intended to allow antitrust defendants in a private lawsuit or state parens patriae investigation or enforcement action to apply to the Department of Justice at the last minute to avoid full treble-damage liability.

The court in which the civil action is brought is empowered to determine whether the necessary cooperation has occurred. The power of the court is the same whether the court is a state or federal court and whether the antitrust claims have been brought under state or federal laws. That cooperation includes providing full factual disclosure of all facts, documents, or other things that are relevant or potentially relevant. Because many leniency agreements may be with organizations rather than individuals, the section provides that any antitrust leniency applicant must use its ''best efforts'' to obtain and facilitate cooperation from individuals. Recognizing that there are discovery tools that plaintiffs can use in discovery of entities, this section is intended to require cooperation of entities in such discovery. For example, under Fed. R. Civ. P. 30(b)(6), a corporation or another entity may be noticed or subpoenaed to provide a corporate representative to testify on its behalf. If the leniency applicant is an organization, individuals employed by the organization may also qualify for reduced private damages exposure if they cooperate to the court's satisfaction.

Section 214 clarifies that the subtitle does not affect the right of the Antitrust Division ''to seek a stay or protective order in a civil action based on conduct covered by an antitrust leniency agreement,'' to prevent the leniency applicant's cooperation ''from impairing or impeding'' a Division investigation or prosecution. It also states that the subtitle does not create any right to challenge the decision of the Division concerning whether to grant a leniency agreement; nor does it affect the joint and several liability of any of the parties to civil antitrust actions covered by the subtitle other than the ''antitrust leniency applicant and cooperating individuals. . . .'' In combination with section 213, the rule of construction in this section preserving the application of joint and several liability as to all defendants other than the leniency applicant provides an additional incentive to corporations and individuals who have violated the antitrust laws to be the first to cooperate with the government and private litigants. While the antitrust leniency applicant who cooperates with civil plaintiffs will be liable only for single damages caused by its own unlawful conduct, the remaining defendants will be fully, jointly and severally liable for the treble damages the conspiracy caused, minus only the amount actually paid by the leniency applicant. This could have the effect of increasing the amount of damages the remaining defendants are ultimately required to pay.

Section 215 increases, for violations of sections 1–3 of the Sherman Act, statutory maximum monetary penalties from $350,000 to $1 million for individuals and business organizations other than corporations, and from $10 million to $100 million for corporations; and increases maximum jail sentences from three years to 10 years. These increases reflect Congress' belief that criminal antitrust violations are serious white collar crimes that should be punished in a manner commensurate with other felonies. This section will require the United States Sentencing Commission to revise the existing antitrust sentencing guidelines to increase terms of imprisonment for antitrust violations to reflect the new statutory maximum. No revision in the existing guidelines is called for with respect to fines, as the increases in the Sherman Act statutory maximum fines are intended to permit courts to impose fines for antitrust violations at current Guideline levels without the need to engage in damages litigation during the criminal sentencing process.

For example, Congress does not intend for the Commission to revisit the current presumption that twenty percent of the volume of commerce is an appropriate proxy for the pecuniary loss caused by a criminal antitrust conspiracy. This presumption is sufficiently precise to satisfy the interests of justice, and promotes efficient and predictable imposition of penalties for criminal antitrust violations. Comments to the guidelines provide that if the actual overcharge caused by cartel behavior can be shown to depart substantially from the presumed ten percent overcharge that underlies the twenty percent presumption, this should be considered by the court in setting the fine within the guideline fine range.

Subtitle B—Tunney Act Reform

Section 221 makes clear that Congress intends for the district court reviewing an antitrust consent decree to go beyond merely considering whether entry of the decree would ''make a mockery of the judicial function,'' (this is currently the standard in the Court of Appeals for the D.C. Circuit) and that the purpose of this section is ''to effectuate the original Congressional intent in enacting the Tunney Act. . . .''

The Public Interest Determination provision first amends the existing Tunney Act by allowing, for good cause shown, dissemination of public comments on proposed antitrust consent decrees and responses to them by an alternative to publication in the Federal Register; replaces ''may'' with ''shall'' in its directions to district courts reviewing consent decrees; adds to the factors that a reviewing court must consider, in determining whether the proposed decree is in the

public interest, ''whether its terms are ambiguous'' and ''the impact of entry of such judgment upon competition in the relevant market or markets''; clarifies that nothing in the section shall be construed as requiring the court to hold an evidentiary hearing or to permit anyone to intervene; and specifies that the written or oral communications made on behalf of a defendant, which the defendant is required to describe to the court under section 5(g) of the Clayton Act, include communications ''by any officer, director, employee, or agent of such defendant, or other person.''

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1086, the Standards Development Organization Advancement Act of 2003. This measure has strong bipartisan support in the Committee on the Judiciary, the House and the Senate, as is evidenced by its cosponsors. It provides important and significant improvements to our antitrust laws. We passed the bill last year, and it passed the Senate more recently with amendments, and we are here today to approve the identical version of the bill.

Title I of the bill recognizes that organizations set thousands of standards that keep us safe and provide uniformity for everything from fire protections to computer systems to building construction. When all DVDs are the same size, competitors can manufacture to the standard and compete. When all plugs are the same size, anybody can sell a lamp without having to insist on a particular brand name because they know all lamps have the standard plugs. Without the relief in this bill, industries may be reluctant to agree on a standard out of fear that treble antitrust damages may be available.

So this title provides a common sense safe harbor for standards development organizations. Those who voluntarily disclose their activities to Federal antitrust authorities will only be subject to single damages should a successful antitrust suit arise. Those who refuse to disclose their activities or those who take actions beyond their disclosures will be subject to the treble damages under the antitrust statutes.

The bill does not exempt anyone from antitrust laws but applies the rule of reason to standards development organizations that are acting in an open and forthright manner. If a violation is found, the organizations are still liable for damages, but single damages, rather than treble damages, which would now apply. However, organizations that commit specific serious antitrust violations, such as conspiring about standards on price, market share or territory division, will still be fully liable for their actions.

The rationale for the more favorable treatment of standards development organizations under these circumstances is that standards development organizations, as nonprofits that serve a cross-section of an industry, are unlikely themselves to engage in anticompetitive activities; and, without the risk of treble damages, they can be more innovative in their effort to develop standards which enhance product quality and safety while reducing costs.

Title II of the bill, the Antitrust Criminal Penalty Enhancement and Reform Act of 2003, increases the maximum criminal penalties for antitrust violations so that the disparity is eliminated between the treatment of criminal white collar offenses and antitrust criminal offenses.

This title also incorporates a leniency provision that encourages participants in an illegal conspiracy to turn in their co-conspirators. This provision allows the Department of Justice to limit the damages of the cooperating company's civil liability to actual, rather than treble, damages. The Department of Justice will only grant such leniency if the company provides adequate and timely cooperation to both the government and any subsequent private plaintiffs in civil suits. And because the remaining conspirators remain jointly and severally liable to treble damages, the victims' potential recovery is not reduced by leniency in this situation.

Finally, Title II of the bill reforms the Tunney Act to strengthen the Act's requirements that courts review antitrust consent decrees in a meaningful manner, not simply as a rubber stamp to such decrees.

H.R. 1086 is an important bill that modernizes and enhances enforcement of U.S. antitrust laws. I would like to commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Ranking Member CONYERS) for their leadership and cooperative efforts on this bill, and I urge my colleagues to support it.

Mr. BOEHNER. Mr. Speaker, I submit the following letters for the RECORD:

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
Washington, DC, May 28, 2004.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: Thank you for your May 17, 2004 letter regarding H.R. 3908, the ''To provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.'' I agree that the Committee on Ways and Means has jurisdiction over matters concerning the Social Security Act and the effect this bill would have on provisions within your Committee's jurisdiction. While these provisions are within the jurisdiction of the Committee on Ways and Means, I appreciate your willingness to work with me in moving H.R. 3908 forward without the need for additional legislative consideration by your Committee.

I agree that this procedural route should note be construed to prejudice the jurisdictional interest and prerogatives of the Committee on Ways and Means on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future.

I thank you for working with me regarding this matter and look forward to continuing our work and cooperation on this bill and similar legislation. This letter and your response will be included in the Congressional Record during the floor consideration of this bill. If you have questions regarding this matter, please do not hesitate to call me.

Sincerely,

JOHN BOEHNER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 17, 2004.

Hon. JOHN A. BOEHNER,
Chairman, Committee on Education and the Workforce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BOEHNER: I am writing concerning H.R. 3908, ''To provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio,'' which was introduced on March 4, 2004, and referred to the Committee on Education and the Workforce.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning the Social Security Act. Sec. 1 of H.R. 3908 would convey a property purchased using federal funds authorized under Titles III and IX of the Social Security Act, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3908, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 1086, the standards Development Organization Advancement Act of 2003. This measure has enjoyed bipartisan support in the Judiciary Committee, the House, and the Senate. It provides important and significant improvements to our antitrust laws.

Title I of the bill recognizes that standards development organizations set thousands of standards that keep us safe and provide uniformity for everything from fire protections to computer systems to building construction. This Title provides a common sense safe harbor for these organizations. Those that voluntarily disclose their activities to federal antitrust authorities will only be subject to single damages should a lawsuit later arise. Those who refuse to disclose their activities, or those who take actions beyond their disclosure, will still be subject to treble damages under the antitrust statutes.

This bill does not exempt anyone from the antitrust laws, but it does apply the rule of reason to standards development organizations. Therefore the pro-competitive market effects will be balanced against the anti-competitive market effects of an action before a violation of the antitrust laws is found. Organizations that commit per se violations—making agreements or standards about price, market share or territory division, for example—will still be fully liable for their actions.

The rationale for such favored treatment is that standards development organizations, as non-profits that serve a cross-section of an industry, are unlikely themselves to engage in anti-competitive activities. However, if free from the threat of treble damages, they can increase efficiency and facilitate the gathering of a wealth of technical expertise from a wide array of interests to enhance product quality and safety while reducing costs.

Title II, the Antitrust Criminal Penalty Enhancement and Reform Act of 2003, increases the maximum criminal penalties for antitrust violations so that the disparity is eliminated between the treatment of criminal white collar offenses and antitrust criminal violations. At this point, I do not see any reason to revise downward the current Sentencing Guideline presumption that twenty percent of the volume of commerce is an appropriate proxy for the pecuniary loss caused by a criminal antitrust conspiracy.

This Title also incorporates a leniency provision that encourages participants in illegal cartels to turn against their co-conspirators. This provision allows the Department of Justice to limit the damages of the cooperating company's civil liability to actual, rather than treble damages. The Department of Justice will only grant such leniency if the company provides adequate and timely cooperation to both the government and any subsequent private plaintiffs in civil suits. And because the remaining conspirators remain jointly and severally liable for treble damages, the victims' potential total recovery is not reduced by leniency applicant's reduced damages. The central purpose of this provision is to bolster the leniency program already utilized by the Antitrust Division so that antitrust prosecutors can more effectively go after antitrust violators. The Department of Justice has assured me that it will always use these new tools cognizant of the needs of victims.

Finally, Title II of the bill reforms the Tunney Act to strengthen the Act's requirement that courts review antitrust consent decrees in a meaningful manner, rather than simply ''rubber-stamping'' such decrees.

H.R. 1086 is an important bill that modernizes and enhances the enforcement of U.S. antitrust laws. I'd like to thank the Chairman for his cooperative efforts on this bill and in writing the supplemental legislative history. We worked hard together on both and I'm very proud of the final product. I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a co-sponsor of this legislation, I support H.R. 1086, ''The Standards Development Organization Advancement Act of 2003.''

This Act amends the National Cooperative Standards Development Act to provide antitrust protections to specific activities of standard development organizations (SDOs) relating to the development of voluntary consensus standards.

Among other provisions, H.R. 1086 amends the NCRA to limit the recovery of antitrust damages against SDOs if the organizations pre-disclose the nature and scope of their standards development activity to the proper antitrust authorities. H.R. 1086 also amends the NCRA to include SDOs in the framework of NCRA that awards reasonable attorneys' fees to the substantially prevailing party.

The provisions of H.R. 1086 protect SDOs, and in turn, SDOs help protect consumers and the public. SDOs are non-profit organizations that establish voluntary industry standards. These standards ensure competition within various industries, promote manufacturing compatibility, and reduce the risk that consumers will be stranded with a product that is incompatible with products from other manufacturers.

The nature of the standards development process requires competing companies to bring their competitive ideas to the voluntary standards development process. When one of the companies believes its market position has been compromised by the standards development process that company will likely resort to litigation. It is not uncommon for the SDO to be named as a Defendant. For non-profit organizations like SDOs, litigation can be very costly and disruptive to their operations, and treble antitrust damages can be financially crippling.

Under H.R. 1086, the recovery of damages against SDOs is limited if the organizations pre-disclose the nature and scope of their standards development activity to the proper antitrust authorities. Furthermore, SDOs are only liable for treble damages under antitrust laws if they fail to disclose the nature and scope of their voluntary standards setting activity.

H.R. 1086 strikes a good balance. It does not grant SDOs full antitrust immunity, but it provides SDOs with protection from treble damages when they provide proper disclosure.

H.R. 1086 also benefits the consumer. It enables the SDOs to develop industry standards that promote price competition, intensify corporate rivalry, and encourage the development of new products.

Mr. Speaker, I support H.R. 1086.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time as well.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1086.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ANABOLIC STEROID CONTROL ACT OF 2004

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3866) to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Anabolic Steroid Control Act of 2004''.

SEC. 2. INCREASED PENALTIES FOR ANABOLIC STEROID OFFENSES NEAR SPORTS FACILITIES.

(a) IN GENERAL.—Part D of the Controlled Substances Act is amended by adding at the end the following:

ANABOLIC STEROID OFFENSES NEAR SPORTS FACILITIES

''SEC. 424. (a) Whoever violates section 401(a)(1) or section 416 by manufacturing, distributing, or possessing with intent to distribute, an anabolic steroid near or at a sports facility is subject to twice the maximum term of imprisonment, maximum fine, and maximum term of supervised release otherwise provided by section 401 for that offense.

''(b) As used in this section—

''(1) the term 'sports facility' means real property where athletic sports or athletic training takes place, if such property is privately owned for commercial purposes or if such property is publicly owned, but does not include any real property described in section 419;

''(2) the term 'near or at' means in or on, or within 1000 feet of; and

''(3) the term 'possessing with intent to distribute' means possessing with the intent to distribute near or at a sports facility.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 423 the following new item:

''Sec. 424. Anabolic steroid offenses near sports facilities.''.

SEC. 3. SENTENCING COMMISSION GUIDELINES.

The United States Sentencing Commission shall—

(1) review the Federal sentencing guidelines with respect to offenses involving anabolic steroids;

(2) consider amending the Federal sentencing guidelines to provide for increased penalties with respect to offenses involving anabolic steroids in a manner that reflects the seriousness of such offenses and the need to deter anabolic steroid use; and

(3) take such other action that the Commission considers necessary to carry out this section.

SEC. 4. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.

(a) DEFINITIONS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (41)—

(A) by realigning the margin so as to align with paragraph (40); and

(B) by striking subparagraph (A) and inserting the following:

''(A) The term 'anabolic steroid' means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes—

''(i) androstanediol—

''(I) 3β,17β-dihydroxy-5α-androstane; and

''(II) 3α,17β-dihydroxy-5α-androstane;

''(ii) androstanedione (5α-androstan-3,17-dione);

''(iii) androstenediol—

''(I) 1-androstenediol (3β,17β-dihydroxy-5α-androst-1-ene);

''(II) 1-androstenediol (3α,17β-dihydroxy-5α-androst-1-ene);

''(III) 4-androstenediol (3β,17β-dihydroxy-androst-4-ene); and

''(IV) 5-androstenediol (3β,17β-dihydroxy-androst-5-ene);

''(iv) androstenedione—

''(I) 1-androstenedione ([5α]-androst-1-en-3,17-dione);

''(II) 4-androstenedione (androst-4-en-3,17-dione); and

''(III) 5-androstenedione (androst-5-en-3,17-dione);

''(v) bolasterone (7α,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

''(vi) boldenone (17β-hydroxyandrost-1,4,-diene-3-one);

''(vii) calusterone (7β,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

''(viii) clostebol (4-chloro-17β-hydroxyandrost-4-en-3-one);

''(ix) dehydrochlormethyltestosterone (4-chloro-17β-hydroxy-17α-methylandrost-1,4-dien-3-one);

''(x) Δ1-dihydrotestosterone (also known as 1-testosterone) (17β-hydroxy-5α-androst-1-en-3-one);

''(xi) 4-dihydrotestosterone (17β-hydroxy-androstan-3-one);

''(xii) drostanolone (17β-hydroxy-2α-methyl-5α-androstan-3-one);

''(xiii) ethylestrenol (17α-ethyl-17β-hydroxyestr-4-ene);

''(xiv) fluoxymesterone (9-fluoro-17α-methyl-11β,17β-dihydroxyandrost-4-en-3-one);

''(xv) formebolone (2-formyl-17α-methyl-11α,17β-dihydroxyandrost-1,4-dien-3-one);

''(xvi) furazabol (17α-methyl-17β-hydroxyandrostano[2,3-c]-furazan);

''(xvii) 13α-ethyl-17β-hydroxygon-4-en-3-one;

''(xviii) 4-hydroxytestosterone (4,17β-dihydroxy-androst-4-en-3-one);

''(xix) 4-hydroxy-19-nortestosterone (4,17β-dihydroxy-estr-4-en-3-one);

''(xx) mestanolone (17α-methyl-17β-hydroxy-5α-androstan-3-one);

''(xxi) mesterolone (1α-methyl-17β-hydroxy-[5α]-androstan-3-one);

''(xxii) methandienone (17α-methyl-17β-hydroxyandrost-1,4-dien-3-one);

''(xxiii) methandriol (17α-methyl-3β,17β-dihydroxyandrost-5-ene);

''(xxiv) methenolone (1-methyl-17β-hydroxy-5α-androst-1-en-3-one);

''(xxv) methyltestosterone (17α-methyl-17β-hydroxyandrost-4-en-3-one);

''(xxvi) mibolerone (7α,17α-dimethyl-17β-hydroxyestr-4-en-3-one);

''(xxvii) 17α-methyl-Δ1-dihydrotestosterone (17 β-hydroxy-17α-methyl-5α-androst-1-en-3-one) (also known as '17-α-methyl-1-testosterone');

''(xxviii) nandrolone (17β-hydroxyestr-4-en-3-one);

''(xxix) norandrostenediol—

''(I) 19-nor-4-androstenediol (3β, 17β-dihydroxyestr-4-ene);

''(II) 19-nor-4-androstenediol (3α, 17β-dihydroxyestr-4-ene);

''(III) 19-nor-5-androstenediol (3β, 17β-dihydroxyestr-5-ene); and

''(IV) 19-nor-5-androstenediol (3α, 17β-dihydroxyestr-5-ene);

''(xxx) norandrostenedione—

''(I) 19-nor-4-androstenedione (estr-4-en-3,17-dione); and

''(II) 19-nor-5-androstenedione (estr-5-en-3,17-dione);

''(xxxi) norbolethone (13β,17α-diethyl-17β-hydroxygon-4-en-3-one);

''(xxxii) norclostebol (4-chloro-17β-hydroxyestr-4-en-3-one);

''(xxxiii) norethandrolone (17α-ethyl-17β-hydroxyestr-4-en-3-one);

''(xxxiv) oxandrolone (17α-methyl-17β-hydroxy-2-oxa-[5α]-androstan-3-one);

''(xxxv) oxymesterone (17α-methyl-4,17β-dihydroxyandrost-4-en-3-one);

''(xxxvi) oxymetholone (17α-methyl-2-hydroxymethylene-17β-hydroxy-[5α]-androstan-3-one);

''(xxxvii) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);

''(xxxviii) stenbolone (17β-hydroxy-2-methyl-[5α]-androst-1-en-3-one);

''(xxxix) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

''(xl) testosterone (17β-hydroxyandrost-4-en-3-one);

''(xli) tetrahydrogestrinone (13β,17α-diethyl-17β-hydroxygon-4,9,11-trien-3-one);

''(xlii) trenbolone (17β-hydroxyestr-4,9,11-trien-3-one); and

''(xliii) any salt, ester, or ether of a drug or substance described in this paragraph;''; and

(2) in paragraph (44), by inserting ''anabolic steroids,'' after ''marihuana,''.

(b) AUTHORITY AND CRITERIA FOR CLASSIFICATION.—Section 201(g) of the Controlled Substances Act (21 U.S.C. 811(g)) is amended—

(1) in paragraph (1), by striking ''substance from a schedule if such substance'' and inserting ''drug which contains a controlled substance from the application of titles II and III of the Comprehensive Drug Abuse Prevention and Control Act (21 U.S.C. 802 et seq.) if such drug''; and

(2) in paragraph (3), by adding at the end the following:

''(C) Upon the recommendation of the Secretary of Health and Human Services, a compound, mixture, or preparation which contains any anabolic steroid, which is intended for administration to a human being or an animal, and which, because of its concentration, preparation, formulation or delivery system, does not present any significant potential for abuse.''.

(c) ANABOLIC STEROIDS CONTROL ACT.—Section 1903 of the Anabolic Steroids Control Act of 1990 (Public Law 101–647; 21 U.S.C. 802 note) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

SEC. 5. REPORTING REQUIREMENT.

Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Attorney General, shall prepare and submit a report to the Judiciary Committee of the House and Senate, and to the Committee on Energy and Commerce of the House, evaluating the health risks associated with dietary supplements not scheduled under the amendments made by this Act which contain substances similar to those added to the list of controlled substances under those amendments. The report shall include recommendations on whether such substances should be regulated as anabolic steroids.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3866, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, recently American sprinter Kelli White admitted to the United States Anti-Doping Agency that she had been taking banned steroids. European 100 meters champion Dwain Chambers and four other U.S. athletes also recently tested positive for steroid use. Steroid use in professional baseball is well-known. The fact is that steroids are abused in professional sports more often than many would like to admit, and we face statistics showing an alarming number of children in middle school and high school have tried steroids.

By simply reading the newspapers, one gets the feeling that steroid abuse is an epidemic. We must ask ourselves what kind of example is being set for our children when our best athletes feel it is necessary to pollute their bodies with these chemicals and risk their health to compete in sports. Today, we are here to say enough is enough by making it harder to traffic in steroids and making sure there are tough penalties for those who do.

Studies show that steroid use may include some very serious consequences such as liver disorders, heart attack and stroke. Additionally, many long-term users face psychiatric effects such as rage, mania or delusions. When used by adolescents, steroid use may result in premature growth cessation or rupturing of tendons.

In addition to facing the health consequences of taking steroids, Ms. White, Dwain Chambers and other athletes are facing the consequences of their actions professionally. All will be banned from competition for 2 years. Ms. White had to relinquish the medal she received in the 2003 world championships. Hopefully, the message our children receive from these high-profile cases is that our society will not tolerate this type of cheating in professional or Olympic sports. We should admire the athletes who achieve greatness through hard work and their own God-given abilities and hard work.

The Anabolic Steroid Control Act of 2004 will help to drive home this message. This legislation adds steroid precursors, substances which become steroids in the body, to the list of controlled substances, meaning they will no longer be available unless prescribed by a physician for a legitimate medical purpose. It also increases the penalties for anyone caught trafficking in steroids near a sports facility.

The goal here is clear. We do not want these substances around our gyms, baseball stadiums, football fields or our running tracks. We do not want our athletes to risk their health to win. We want our athletes to be examples of healthy individuals. We want the way our American athletes treat their bodies to be a source of pride for our country, not a source of shame. We want our children to be able to look up to them for their accomplishments.

I strongly urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3866, the Anabolic Steroid Control Act of 2004.

This legislation updates the ban on steroids to include the several steroid precursors which have been developed since the 1990 ban on steroids went into effect. These precursors have been shown to cause the same reaction in the body as other steroids, and they are just as dangerous in terms of side effects and long-term damage potential. Yet, currently, they are not illegal; and they are widely used by athletes and others seeking to enhance muscle and body development.

In addition to being directly ingested, these dangerous drugs are also being consumed as parts of presently legal, over-the-counter nutrition and dietary supplements.

Of course, the most important concern driving the bill is the impact these drugs and precursors have on children. Some young athletes are using the drugs with the belief that they can become great in their sport and gain money and fame. However, in addition to risking disqualification from playing sports, they also risk stunted growth, infertility and other long-term health problems and even death.

While we must ensure that these dangerous new drugs and precursors do not get in the hands of children or others who would use them improperly, we must also be aware that these same drugs have legitimate uses. If made available for legitimate prescriptions by physicians, they could treat conditions such as body wasting with patients with AIDS and other diseases that result in loss of muscle mass.

So, Mr. Speaker, I am pleased to join the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from Michigan (Ranking Member CONYERS) and other Members who have helped craft the bill in their effort to get these drugs out of the category of easy access to children and others who would use them improperly and into the laboratory to determine their legitimate, beneficial uses and into the doctor's office where they can be properly prescribed. I, therefore, urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Committee on Energy and Commerce.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary, for bringing this bill to the floor and thank him for his leadership.

H.R. 3866, the Anabolic Steroid Control Act of 2004, will help prevent the abuse of steroids by professional athletes and will also address the widespread use of steroids and steroid precursors by college, high school and even middle school students.

Steroid use has been banned in the United States since the passage of the Anabolic Steroids Control Act of 1990. However, in recent years, new substances have become available that have the same effects on the body as anabolic steroids but are not banned under current law. These steroid precursors can be just as dangerous as those substances that have been banned themselves under the original Act.

This legislation, which the Committee on Energy and Commerce had sequential jurisdiction on and was marked up in April in the Committee on Energy and Commerce, would add several of these new products to the list of banned substances and provide increased penalty for any individual who traffics in steroids within 1,000 feet of an athletic facility. This bill will go a long way toward ensuring that our Nation's athletes, both children and adults, will not be exposed to these dangerous products.

I want to again thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for his excellent leadership on this and would urge all my colleagues to vote yes on H.R. 3866.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. BARTON) for advancing this legislation. I would particularly like to thank the gentleman from New York (Mr. SWEENEY) for inspiring this legislation and having a great deal to do with its inception.

□ 1530

Mr. Speaker, in 2000, Mark McGwire hit 70 home runs. In 2001, more than one million children ages 12 to 17 used performance enhancing substances, and 390,000 children aged 10 to 14 used performance enhancing drugs or supplements. Chief among these substances used by teenagers was androstendione, which Mark McGwire admitted using when setting the record.

Mr. Speaker, androstendione is a steroid precursor. It is not a steroid under current definition; yet when ingested, it becomes a steroid, and it can be purchased over the counter by teenagers. Androstendione and other precursors are banned by the NCAA, the United States Olympic Committee, the National Football League, and the National Basketball Association; but it is not banned by Major League Baseball, high schools and junior high schools; and this just does not make any sense.

Steroids and steroid precursors cause cancer of the liver and kidneys, heart disease, stunt growth, cause extreme aggression and depression sometimes leading to teenage suicide, and the younger the user the more negative the consequences. But they also can build muscle, and therein lies the problem. It is a very dangerous situation.

I have three major concerns here: number one, many children do not know the risks. They assume that over-the-counter drugs are safe if they are sold over the counter. Also, 40 percent of supplements contain banned substances. They are not labeled correctly.

Number two, many young people will sacrifice health to gain a competitive edge. They know what the risks are, yet to win an Olympic medal, to win an athletic scholarship, to look more muscular, to make the team, they will actually sacrifice years off their life.

Number three, the use of steroids and precursors threatens the integrity of athletic competition. Do the 70 home runs in the year 2000 indicate greater athletic achievement than 65 home runs in the 1960s, or does it indicate better chemistry? We really will not know, and it is not fair to those who are competing today and those who competed 30, 40 and 50 years ago.

Again, I would like to thank the gentleman from New York (Mr. SWEENEY) and the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for their work. I urge support of H.R. 3866. This bill addresses the issue of steroid precursors; designer steroids, such as THD; and strengthens penalties for distribution of steroid products.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise today in support of the Anabolic Steroid Control Act, H.R. 3866, and commend my colleagues from the Committee on the Judiciary and Committee on Energy and Commerce for their hard work on this legislation.

Fourteen years ago, the passage of the Anabolic Steroid Control Act banned the use of steroids, but since then steroid precursors have emerged in the marketplace. These products, which are not considered steroids under current law, react like steroids once ingested and yield similar effects. Use of precursors is also associated with the same kinds of bad side effects associated with sustained steroid use, such as aggression, liver tumors, and extreme mood swings, just to name a few.

Since these substances are not legal under current law, some of them are marketed as nutrition or dietary supplements and are readily available over the counter. This has resulted in another detrimental development: widespread use of precursors among young people, ranging from college age to kids as young as middle school students. Pressured by athletic competition and peers, these young people turn to these substances for a competitive edge. Numbers released by the National Institute on Drug Abuse for 2003 show an alarming trend of increased precursor use among adolescents since the

early 1990s. It is clear that our current law must be updated to reflect the times. We must take action to protect our loved ones.

H.R. 3866 modernizes the list of anabolic steroids regulated by the Drug Enforcement Administration to include about two dozen new substances and increases the maximum penalties for trafficking steroids close to a sports facility.

However, I am concerned about what is not in this legislation, namely, the steroid hormone DHEA. Like my colleagues in the Committee on Energy and Commerce, I am disappointed to see DHEA exempted from H.R. 3866. Both the National Institutes of Health and the dietary supplement industry have declared their concern about potentially dangerous health effects.

The questions and concerns raised in this discussion show why the regulatory framework for dietary supplements must be updated. Under current law, consumers and the Food and Drug Administration do not have access to the information or tools they need to make informed decisions about dietary supplements.

With the support of the gentleman from Michigan (Mr. DINGELL) and the gentleman from California (Mr. WAXMAN), I introduced the Dietary Supplement Access and Awareness Act, H.R. 3377, in order to establish commonsense consumer protections. The measures and education programs contained in H.R. 3377 will enable the FDA to gather solid data about the dangers some dietary supplements pose and make sensible informed decisions about supplements such as DHEA. In turn, consumers will have greater assurance than they currently have about the safety of dietary supplements on the market.

So, my colleagues, I would certainly encourage support of this legislation today. I believe it is sensible. But it also opens up the way for us to provide for consumers who choose to take dietary supplements more education and more information awareness.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY), who is a cosponsor of the legislation.

Mr. SWEENEY. Mr. Speaker, I thank the chairman for yielding me this time.

This is a big day for me personally because this is a piece of legislation that represents an agreement on a piece of legislation that I first introduced 4 years ago, and I want to talk a little about the personal aspects of this and how I got involved in the whole anabolic steroid precursor and designer steroid issue.

My son, who I love and who I am lucky enough to get to spend some time with, and I work out fairly regularly together, Mr. Speaker. And, fortunately, about 5 years ago, at one of our workouts, my son was talking to me about some of his friends and his colleagues and some of their training habits. It was also 5 years ago almost immediately after the Mark McGwire record-setting home run streak in Major League Baseball. My son said that he and his friends had all been talking about how they could get better, how they could get bigger, stronger, faster, hit the ball better; and one of the ideas they had, by virtue of some of the advertising and some of the stories they heard about Mark McGwire, was to use a substance called andro.

Mr. Speaker, the gentleman from Nebraska (Mr. OSBORNE), no greater a symbol of the American sports movement than Coach Tom Osborne at Nebraska, mentioned in his remarks andro and its effects, and the record was pretty clear that after Mark McGwire hit his home runs, performing under legal rules established at that time, the use of andro quadrupled, with teenagers making up a large portion of that population. According to the Department of Health and Human Services, one out of every 40 high school students admitted to using andro in the past year, and something in the range of 3 to 4 percent of junior high school students had talked about and were using anabolic steroids.

Now, 20 years ago, we addressed the issue of anabolic steroids and established very clearly the health risks that were attendant to it. But what we find now is this almost insidious effort to market products meant simply to skirt the law, simply to subvert the testing processes that exist and targeting a very vulnerable part of our population, young athletes, people who cared about their fitness, and marketing these products in order to take advantage of that circumstance.

So this legislation coming forward today represents Congress' response to that, an appropriate response that will effectively make it illegal to sell over the counter now, with that presumption of sales over the counter, that a product is safe and does what it says it does. It will make it illegal to sell those products over the counter at the GNCs, at the Wal-Marts, or any of the other places. And what it effectively does is protect our kids, which is, obviously, a very important part.

Now, make no mistake about it, keeping our children safe is far more important than restoring the integrity to the sports world, Mr. Speaker; but with the Anabolic Steroid Control Act we accomplish both of those things. In athletics today, the lines of fair play have been blurred by the prevalence of steroid precursors and designer steroids; and athletes have become more creative in turning those substances, such as andro, into their muscle-building cousins.

Now, I want to respond a little to one of the prior speakers, and this was the gentlewoman who preceded me most immediately, and that was the issue of DHEA and whether we have DHEA mentioned in the list of products specifically mentioned here. As someone 4 years ago that introduced legislation that was very broad and said that any precursor or any designer steroid ought to be outlawed, I came to recognize that that legislation, under the instruction of the chairman and the ranking member of the Committee on the Judiciary, probably would not have survived judicial scrutiny.

What we have in this legislation is the perfect balance to make sure that the legislation we pass forward will have the effect we choose it to have, and that is making sure that manufacturers are putting on the shelves products that do what they say and are safe, and, secondly, outlawing those that are not. So whether DHEA is mentioned in this legislation or not, or any other product that is devised, and there will be others the manufacturing community will come forward with, whether they are made illegal or not does not really matter here, Mr. Speaker.

The burden of proof is now shifted to them. The effective tools that we need in order to protect our kids, to protect athletes, and protect the next generation, and to protect the integrity of sports are here. That is why the FDA, the DEA, the United States Olympic Committee, the NFL, the NCAA, all of those groups, the U.S. Anti-Doping Association, CASPER, and all of those groups have come out in support of this legislation. They recognize that this long fight, begun 20 years ago in this body, is coming to the right conclusion, a conclusion that protects the American people.

Finally, Mr. Speaker, I want to recognize the hard work and efforts of the gentleman from Nebraska (Mr. OSBORNE). He committed with me 4 years ago to pass this legislation, and we have gotten that done. I also want to recognize the great work of the Committee on the Judiciary and its chairman, who gave us not only an opportunity to be heard but carried this legislation, through the ranking member; and the chairman of the Subcommittee on Crime, Terrorism, and Homeland Security, the gentleman from North Carolina (Mr. COBLE); and his ranking member, the gentleman from Virginia (Mr. SCOTT), for their subcommittee work on all this. This is a strong bipartisan effort that is for the good of the American people.

Finally, and in conclusion, I would point out that all major sport entities of any credibility in this Nation have endorsed this legislation. It is time for Major League Baseball, and most specifically the Major League Baseball Players Association, to end the foot-dragging and to go forward and ban in their own sport these substances that threaten the integrity of their sport. And do it not just because the integrity of their sport is threatened, but do it as well because it is good for America, good for American athletes, and good for the next generation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman for his

comments and for his leadership on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, H.R. 3866 is a bill that will bring more integrity to athletics in this country and bring our legislative controls over steroids and steroid precursors up-to-date, thereby making them more effective. The abuse of these controlled substances is a major concern because it makes not only the players suffer, but is also makes the spectators, parents, family, friends, and ticket-purchasers suffer. Therefore, I generally support the bill introduced by my colleagues Messrs. SENSENBRENNER, CONYERS, SWEENEY, OSBORNE, and BERMAN, H.R. 3866, the Anabolic Steroid Control Act of 2004.

In supporting this bill, I also share the concern of my colleagues of the House Judiciary that it will explicitly exempt a specific steroid precursor, dehydroepiandrosterone or DHEA. The effect of this exemption is to prevent the Drug Enforcement Agency (DEA) from taking action against DHEA as an anabolic steroid, no matter what evidence accumulates about its risks.

H.R. 3866's purpose is to facilitate DEA's ability to restrict access to anabolic steroids, like Androstendione or Andro, that boost testosterone and estrogen levels in the body. Maintenance of this purpose is important because these products can have serious health risks, including potentially toxic effects on the liver and cardiovascular system, damage to fertility, and psychiatric side-effects, according to the American Medical Association. Because of their effects on hormone levels, anabolic steroids can be particularly damaging to growing children and adolescents. These products are widely marketed as performance enhancers and are increasingly used, especially by young people.

However, this act specifically excludes DHEA, another steroid hormone that is sold as a dietary supplement for performance enhancement as well as for rejuvenation. By specifically exempting DHEA we are sending a signal to the American public that DHEA is safe. This would be the wrong message. Once this legislation becomes law, we could see an increase in DHEA use, including among younger athletes, as the other products become less accessible.

DHEA is a hormone precursor. It converts to Andro and then to testosterone and estrogen in the body. The National Institutes of Health has expressed its concern about dangerous side effects and the possibility of undiscovered health risks associated with DHEA. Even the dietary supplement industry itself recognizes the health concerns associated with this product. The Council for Responsible Nutrition (CRN) puts Andro, which this legislation makes a controlled substance and DHEA in the same category. CRN says that young people ''may be more susceptible than adults to adverse effects of steroid hormone precursors such as 'andro' * * * and DHEA.'' Because of those safety concerns, CRN says that these products are inappropriate for use by athletes younger than 18.

According to Gary Wadler, a member of the World Anti-Doping Agency panel and an NYU professor of medicine, medically, ''there is no reason to ban andro and not DHEA.'' The National Collegiate Athletic Association bans Andro and DHEA. The World Anti-Doping Agency bans Andro and DHEA. Only this legislation bans Andro but protects DHEA. This exclusion has no scientific basis, and does not belong in this legislation.

Over 20 percent of athletes in Western nations have admitted to using drugs. Performance enhancing drugs should not be tolerated on any team in respect of fair play and because of the health risks associated with their use. When we watch games on television or from the stands, we should not have to ask ourselves, ''Is this the athlete's true ability, or just the drugs on display?'' Unfortunately, the illegal acts of a small number of players has caused the entire industry to suffer the burden of being subject to random drug testing. Random testing is a burden on players; however, given the tremendous amount of money at stake based upon physical performance and the degree to which young children look to athletes as role models, the benefits outweigh the burdens. A program of random drug tests, education, treatment, and discipline would cost an estimated $1 million annually. If such a program, along with effective legislation, like that before us today, were in place, there would be a decreased incidence of enhancement-drug related health risks such as heart disease, liver tumors, and edema (abnormal fluid accumulated in body tissues).

The sad trend among athletes is that the majority of those who have only used steroids for one game to see if they could improve continue to use steroids for the remainder of their career. Since the drug controls were instituted in 1968, there have been 51 positive tests at the Olympic Games. At the summer games in Barcelona in 1992, five athletes failed their tests. Although President Bush has proposed an additional $23 million for schools that want to do drug tests, he did not call for any money or new laws to combat drugs in pro sports.

In World War II, it is reported that anabolic steroids were given to Hitler's troops to increase their aggression. Russian athletes were the first to use anabolic steroids in official competitions, and in 1960's Olympic games, for the first time, the International Olympic Committee discovered the incidence of ''doping'' when a cyclist using amphetamine collapsed and died during a race.

We need heightened legislative controls over things that take away from the integrity of our athletics and entertainment. Therefore, I fully support this legislation, but I admonish that we need to enhance its controls to cover steroid precursors such as DHEA.

Mr. WAXMAN. Mr. Speaker, today we are voting on a bill that will limit access to most steroids. In principle, this is a good thing and, in general, I support this bill. However, this legislation is flawed. While it limits access for most steroids, it explicitly exempts a specific steroid precursor, DHEA, from the Anabolic Steroid Act, thereby reducing DEA's authority over this potentially dangerous product. Today there will be no opportunity to try to amend this legislation and make it better. That is unfortunate. Members could have benefited from a debate about whether we should, in fact, be protecting this particular product.

Here is why I am concerned about the DHEA exemption. DHEA is a dietary supplement that is marketed as a performance enhancer as well as a rejuvenating product. DHEA is a hormone precursor. It converts to Andro, and then to testosterone and estrogen in the body. According to the NIH, there are concerns about dangerous side effects and the possibility of undiscovered health risks associated with these supplements. A recently published study found that athletes who take DHEA supplements might increase their risk of enlarged prostate. Even the dietary supplement industry itself recognizes the health concerns associated with this product. The Council for Responsible Nutrition (CRN) puts Andro, which this legislation makes a controlled substance, and DHEA in the same category. CRN says that young people ''may be more susceptible than adults to adverse effects of steroid hormone precursors such as 'andro' * * * and DHEA.'' Because of those safety concerns, CRN says that these products are inappropriate for use by athletes younger than 18.

By specifically exempting DHEA we are sending a signal to the American public that DHEA is safe. This would be the wrong message. I suspect that once this legislation becomes law, we could see an increase in DHEA use, including among younger athletes, as the other products become less accessible.

According to Gary Wadler, a member of the World Anti-Doping Agency panel and an NYU professor of medicine, medically, ''there is no reason to ban andro and not DHEA.'' The NCAA bans andro and DHEA. The World Anti-Doping Agency bans Andro and DHEA. Only this legislation bans andro but protects DHEA. This exclusion is not about the science. This is an exclusion that the dietary supplement industry insisted on and I fear that this exclusion could have real adverse health consequences for young athletes.

I support this bill today because it represents an important step forward. But I am hopeful that this bill will be improved before we send it to the President.

Mr. CONYERS. Mr. Speaker, I strongly support the legislative proposal under consideration today. Without a doubt, H.R. 3866, the ''Anabolic Steroid Control Act of 2004,'' represents a major step in the right direction.

First, the bill highlights the serious nature of trafficking in steroid precursors by increasing the criminal penalties associated with their distribution, particularly near a sports facility. It's worth noting that this outcome was achieved without the use of mandatory minimums. Instead, the bill was drafted in such a way so as to leave sentencing determinations solely to the discretion of the judge—with the more egregious offenders being exposed to harsher sentences.

Second, the bill amends the Anabolic Steroid Control Act of 1990 by adding steroid precursors such as androstenedione, ''andro'' and its chemical cousins to the list of anabolic steroids controlled under the Controlled Substances Act. It also makes it easier for the DEA to add similar substances to that list in the future.

Scientific evidence shows that these performance-enhancing drugs create real and significant health risks. Potential long-term consequences of these products in men include impotence and the development of breast enlargement. While some women who use these products experience male pattern baldness, increased facial hair, and abnormal menstrual bleeding. And, most troubling of all, innocent children who are exposed to these products risk early onset of puberty and stunted growth.

Finally, the bill directs the U.S. Sentencing Commission to review the Federal sentencing guidelines for crimes involving anabolic

steroids and consider increasing them. Currently, the maximum sentence for offenses involving anabolic steroids is only 33–41 months for first time offenders. And to receive the maximum sentence an offender would have to have between 40,000 and 60,000 units, which is defined as a 10 cc vial or 50 tablets.

Saving children is the ultimate goal of this legislation. About 1 out of 40 high-school seniors reported that they had used andro in the past year, according to the Department of Health and Human Services' (HHS) 2002 Monitoring the Future survey, which tracks drug use among students. The survey, conducted by HHS's National Institute on Drug Abuse, also found that about 1 out of 50 10th graders had taken andro in the previous year.

In closing, I would like to thank Chairman SENSENBRENNER and Representatives BERMAN, SWEENEY and OSBORNE for their bipartisan leadership on this issue. I strongly urge my colleagues to lend their support to this sensible piece of legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3866, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONSTITUTIONAL AMENDMENT REGARDING APPOINTMENT OF INDIVIDUALS TO FILL VACANCIES IN HOUSE OF REPRESENTATIVES

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 657, I call up the joint resolution (H.J. Res. 83) proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 83 is as follows:

H.J. RES. 83

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. Prior to taking the oath of office, an individual who is elected to serve as a Member of the House of Representatives for a Congress shall present to the chief executive of the State from which the individual is elected a list of nominees to take the individual's place in the event the individual dies or becomes incapacitated prior to the expiration of the individual's term of office. The individual shall ensure that the list contains the names of not fewer than two nominees, each of whom shall meet the qualifications for service as a Member of the House of Representatives from the State involved. After the individual takes the oath of office, the individual may present revised versions of the list at any time during the Congress.

''SECTION 2. If at any time a majority of the whole membership of the House of Representatives are unable to carry out their duties because of death or incapacity, or if at any time the House adopts a resolution declaring that extraordinary circumstances exist which threaten the ability of the House to represent the interests of the people of the United States, the chief executive of any State represented by any Member who is dead or incapacitated at that time shall appoint, from the most recent list of nominees presented by the Member under section 1, an individual to take the place of the Member. The chief executive shall make such an appointment as soon as practicable (but in no event later than seven days) after the date on which Member's death or incapacity has been certified. An individual appointed to take the place of a Member of the House of Representatives under this section shall serve until the Member regains capacity or until another Member is elected to fill the vacancy resulting from the death or incapacity. The State shall provide for an election to fill the vacancy at such time and in accordance with such procedures as may be provided under State law, and an individual appointed under this section may be a candidate in such an election. This section shall not apply with respect to any Member of the House who dies or becomes incapacitated prior to the seven-day period which ends on the date on which the event requiring appointments to be made under this section occurs.

''SECTION 3. During the period of an individual's appointment under section 2, the individual shall be treated as a Member of the House of Representatives for purposes of all laws, rules, and regulations, but not for purposes of section 1. If an individual appointed under section 2 is unable to carry out the duties of a Member during such period because of death or incapacity, the chief executive of the State involved shall appoint another individual from the same list of nominees presented under section 1 from which the individual was appointed under section 2. Any individual so appointed shall be considered to have been appointed under section 2.

''SECTION 4. Congress may by law establish the criteria for determining whether a Member of the House of Representatives or Senate is dead or incapacitated, and shall have the power to enforce this article through appropriate legislation.''.

The SPEAKER pro tempore. Pursuant to House Resolution 657, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 45 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Joint Resolution 83, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we debate whether we should amend the Constitution of the United States to allow House Members to be appointed in the wake of mass vacancies caused by a terrorist attack.

After September 11, 2001, no one would deny the real potential of such a catastrophe striking this body, but fundamentally today's debate is about whether to preserve lawmaking by a House of Representatives elected by the people or to deny the right of elected representation during the most crucial moments of American history and allow lawmaking by an appointed aristocracy.

□ 1545

I would urge the membership to soundly defeat this constitutional amendment to preserve the People's House as an elected House and not as an appointed House.

Let us be clear, any constitutional amendment denying the right to elected representation would accomplish what no terrorist could, namely striking a fatal blow to what has always been the People's House. The House, unlike the Presidency and the Senate, are unique among all branches and bodies of the entire Federal Government. It is the only branch institutionally designed to always reflect the popular will through the legislation it passes.

When terrorists attacked on September 11, 2001, it was an elected not an appointed Congress that acted in its wake; and the legislation passed by that elected Congress has a legitimacy that legislation passed by an appointed Congress would not have had. All of Congress' powers under Article I of the Constitution are only legitimately exercised by an elected House.

H.R. 2844, the Continuity in Representation Act, which passed the House on April 22 by an overwhelming bipartisan vote of 306 to 97, with more Democrats voting for it than against it, will ensure that the House is repopulated by legitimate democratic means within a maximum of 45 days after an attack causes mass vacancies. Within those 45 days, any constitutional amendment that allowed lawmaking by appointed members would pose far more risks than benefits; and legislation passed by an appointed House that did not comport with the people's will would have to be repealed by a later elected House, leading to further discontinuity at the very time when continuity is most important.

The Founders explicitly rejected the proposition that the appointment of Members is compatible with the American Republic. James Madison wrote

that ''it is particularly essential that the House should have an immediate dependence on, and an intimate sympathy with, the people'' and that ''elections are unquestionably the only policy by which this dependence and sympathy can be effectively secured.'' As Madison stated in his speech to the Constitutional Convention, ''a gradual abridgement of the right to elected representation has been the mode in which aristocracies have been built on the ruins of popular forms.''

This amendment is an abridgement of the right to elected representation. Contrary to the claim made by proponents of constitutional amendments, the President would not be unconstrained in its conduct immediately following a catastrophic terrorist attack. Of course, the President would be well within his constitutional authority to execute the laws in times of crisis.

However, the Founders also made it clear that the President would always be subject to impeachment by the House of Representatives, either a House operating on reduced membership or a later fully reconstituted House if the President abused executive authority at any time. And of course no law can be enacted solely by a House operating with a few Members alone. Further, the issue of incapacitated House members can be handled by changes to House rules. The Committee on Rules is already exploring those options.

Demonstrating this is not a partisan issue but one concerning the legitimacy of all Members of the House and of the legislation it passes, the House of Representatives, controlled both by Democrats and Republicans, throughout history has rejected all constitutional amendments authorizing appointed House Members sent to it by the Senate, even during the height of the Cold War. It is important to remember that the American people have always been able to elect their leaders, even during our Nation's darkest hour, the Civil War, when General Lee's Army was just a few miles away from this building.

Today we consider House Joint Resolution 83 sponsored by the gentleman from Washington (Mr. BAIRD). This proposed constitutional amendment contains all the flaws of amendments allowing the appointment of nonelected members, but it also has some unique additional problems.

The Baird amendment would not only override H.R. 2844, which already has passed the House by an overwhelming bipartisan vote, but it would forever strip the Congress of its discretionary authority to expedite special elections in emergency under its existing constitutional powers.

Let me repeat this. The amendment before us takes away the right of Congress under Article I, section 4, that expedites special elections in emergencies.

The amendment also requires House Members, prior to taking the oath of office, to submit a list of names to the governor that the governor can draw from in appointing that Member's replacement. This would subject candidates for Congress forever after to endless questions during their campaigns regarding whom they placed on the list and their connection to the candidate, and perhaps questions that can become embarrassing, creating needless distractions in what is supposed to be a clear contest between individual candidates.

And if a candidate did not tell the press who was on his or her list, the voters would not have a say on who the candidate's potential replacement should be. Such a list would also invite great mischief, including the placing of names on the list of those owed political favors.

Finally, H.J. Res. 83 provides that ''Congress may by law establish the criteria for determining whether a Member of the House of Representatives or Senate is dead or incapacitated.'' This provision would deny the House its existing authority under the Constitution that allows each House to adopt its own rules, an authority the Committee on Rules is already exercising, to address incapacitation by the rules, and needlessly involve the Senate in how the House operates. By doing so, it would unfortunately make addressing continuity of government more difficult than it already is.

Mr. Speaker, I doubt that any Member has faced a vote before that so clearly defines the principles stood for. Either you will vote to tear the fabric of our Constitution and deny the right of self-government under the laws passed by the people's chosen representatives, or you will vote to preserve the sacred right to elected representation.

That sacred right has endured since America's birth, through two World Wars, a Civil War, and now a shadow war waged by vicious haters of democracy. The terrorists would like nothing more than to see us rewrite our Constitution, the supreme law that comes closest to being our Nation's soul, to reflect their twisted vision of autocratic rule.

Around the world, both our friends and our enemies are watching. Vote this amendment down and show them what this House stands for and what it stands against.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Does the gentlewoman from California (Ms. LOFGREN) seek to control the time of the gentleman from Michigan (Mr. CONYERS)?

Ms. LOFGREN. Yes, Mr. Speaker, I do.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 6 weeks ago the House of Representatives passed H.R. 2844, the Continuity of Representation Act of 2003, which was written and offered by the gentleman from Wisconsin (Mr. SENSENBRENNER). This bill provides for the expedited special election of new Members of Congress to fill seats left vacant in extraordinary circumstances.

Under this bill, when such extraordinary circumstances occur, a special election must be called within 45 days. This bill was an important first step in addressing how the House continues to function in the event of a catastrophe, and that is why I voted in support of the bill.

I would note that outside scholars have questioned whether or not the Federal Government has the jurisdiction to impose this scheme on the States. I do not argue that today, but I think to some extent there is an open question as to that. There is also a more fundamental issue which may be partially addressed today, and that is what happens in the 45 days between a disaster that could eliminate the House of Representatives and the holding of these special elections.

In the 45 days following September 11, the House of Representatives cast 69 votes. Some of them were very important measures that helped us respond to the terrorism event. If there is no House of Representatives, there can be no Congress, and if there is no Congress to play its role in the constitutional scheme, the only thing that could happen in such a circumstance would be for the President to assume dictatorial powers and to end our system of constitutional government, an outcome that no one in this House or in this country wishes.

Under H.R. 2844, the House of Representatives would have no way to function for a month and a half; and without the House, there is no Congress. Several Members have introduced constitutional amendments that would address this problem. The gentleman from Washington (Mr. BAIRD) has offered an amendment which we are just about to vote on today. I have also introduced a constitutional amendment, H.J. Res. 96, which takes a different approach from the Baird proposal; and our colleagues, the gentleman from Connecticut (Mr. LARSON) and the gentleman from California (Mr. ROHRABACHER), have done similar things.

This whole issue is very complex, and it may be that none of the amendments are quite ready for our approval, but they certainly do command our attention. All deserve to be debated by Members of Congress, yet I believe that the House would be best served if the committee of jurisdiction, the Committee on the Judiciary, were to have hearings to sort through the complexities of this issue and then be able to present our findings to the full House for consideration.

However, during the 108th Congress, the Committee on the Judiciary has not had a hearing on this issue to compare the various proposals and to discuss the advantages and disadvantages

of each. In fact, I have requested a hearing. I did so during the markup of the Baird amendment in the Committee on the Judiciary, but none have been held.

Today, some may point out that there was a hearing on the constitutional amendment offered by the gentleman from Washington (Mr. BAIRD) in the 107th Congress. That is true, but the amendment on today's agenda is significantly different from the Baird amendment considered 2 years ago. This is a new amendment that was first introduced last December.

A distinguished commission that included former Speakers Foley and Gingrich, as well as Lloyd Cutler and former Senator Alan Simpson, studied this matter at some length and reached the conclusion that we need a constitutional amendment. I am not suggesting that we should simply accept their recommendations, but at the very least we should consider and evaluate their findings before we cast a vote that will define the stability or instability of the country in the event of a national crisis. Unfortunately, the Committee on the Judiciary has not had a single hearing on any of these amendments, so we will not have the benefit today of hearing from the scholars, former speakers and other distinguished leaders on this complex issue.

And now the leaders of the whole House are making the same error as the Committee on the Judiciary. They have scheduled a vote on an amendment that will decide the fate of our Congress during a catastrophe without first holding hearings to address the merits of the Baird approach and all of the others proposed by various leaders on the continuity of Congress.

Let me repeat. Today we are being asked to vote on an amendment to the United States Constitution, but we have not had even one hearing on the amendment in the Committee on the Judiciary in this Congress. It is not often that the Committee on the Judiciary marks up a constitutional amendment to the full House before holding a hearing.

Consider, for example, the constitutional amendment to protect the rights of crime victims. That particular amendment was introduced in the 108th, 107th, 106th, 105th and 104th Congress, and on each occasion prior to markup there were Judiciary Committee hearings.

Also, consider the committee's treatment of a constitutional amendment to prohibit flag burning. A proposal on this issue was introduced in the 108th, 106th, 105th and 104th Congress, and each time the Committee on the Judiciary undertook hearings.

Finally, in the 105th and 104th Congress, a constitutional amendment was introduced to limit the Federal Government's ability to raise taxes, and hearings were permitted on each occasion.

The majority has already seen fit to schedule a series of five judiciary hearings over the course of several months to discuss the issue of same-sex marriage and a potential constitutional amendment. It only makes sense that this House should not vote on an amendment to the U.S. Constitution before the Committee on the Judiciary holds at least one hearing.

This issue of the continuity of Congress should not be an exception. It is vitally important to our democracy and requires more deliberation.

□ 1600

Today, like I did in the Committee on the Judiciary 1 month ago, I will not vote to support the Baird amendment; but I will vote on a motion to recommit so that the Committee on the Judiciary will have a chance to appropriately hold hearings and review various approaches to this vital issue to our democracy. Some will reach a reasoned, but different, conclusion relative to the Baird amendment itself; but I think all will agree this body would be better served with extensive hearings on this complicated and enormously important subject.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER), who served two terms as Secretary of State and chief elections officer of the State of Michigan.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in opposition to this resolution, which is proposing to amend our Constitution by allowing for the appointment of Members of the United States House of Representatives in the event of a national emergency.

For over 225 years, the House of Representatives has been the people's House; and I say that I think that is so important, as we think about that, we have been known as the people's House. Members of Congress are required by the Constitution to be elected directly by the people. This requirement, of course, allows for all citizens to truly have a voice in their government and provides probably the most important of all of our checks and balances.

Under this resolution we are debating here today, elected representatives would be replaced by non-elected appointees, in a complete counter to the intent of our Founding Fathers. In a very strange irony, this provision would kick in at precisely the time when our citizens need to be heard the most, at a time of crisis.

As well, provisions of this resolution call for sitting Members of Congress to provide the names of two people to replace them in the event of their own death or incapacitation. One of these two people would then be appointed to the seat by the Governor of the appropriate State. This nonelected Member of Congress would then serve out the remainder of the relevant 2-year term, with all of the rights and privileges of an elected Member.

Yet appointing legislators who were not voted on by the public would negate the entire purpose of this House, which is to represent the people directly.

Just last month, this Chamber passed H.R. 2844, The Continuity in Representation Act of 2004, of which I was a very proud cosponsor. H.R. 2844 was passed with overwhelming bipartisan support because it puts forth a very clear, concise plan to deal with the now-real possibilities that we once considered unthinkable, quite frankly. It calls for expedited elections; and as the chairman had said here, as a former Secretary of State of a State of about 10 million people, I feel the timelines we outlined in that H.R. 2844 were very, very realistic.

Every Member of this House is an elected official who earns the right to come here to Washington and represent our constituents because we were voted in by a majority of the people in our respective districts. Rather than tinker with one of the pillars of our democracy via a reckless change to our Constitution, we should vote this amendment down and continue to press for the full adoption of H.R. 2844.

I urge a ''no'' vote on this resolution.

Ms. LOFGREN. Mr. Speaker, I yield 13 minutes to the gentleman from Washington (Mr. BAIRD), the author of this legislation.

Mr. BAIRD. Mr. Speaker, would the gentlewoman be interested in joining me in a colloquy?

I appreciate very much the comments of the gentlewoman, and I was intrigued by one thing she said. She said that even temporary appointments, I will paraphrase briefly here, would violate the entire purpose of the House of Representatives.

My understanding of Madison's approach was that there were more elements to having a house of representation than mere election, as important as that is, but also the role of checks and balances, the role of proportionate representation, the division of authorities between the legislative branch and the executive branch.

Madison specifically said: ''The accumulation of all powers, legislative, executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self-appointed or elected, may justly be pronounced the very definition of tyranny.''

What I would like to ask the gentlewoman is, if we have no House of Representatives, less than a quorum, do we have an alternative to the concentration of the power in the executive branch under current law?

Mrs. MILLER of Michigan. Mr. Speaker, will the gentleman yield?

Mr. BAIRD. I yield to the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Mr. Speaker, I would say impeachment could be a possibility there. I do believe as you read the Constitution, the operative phrase, the operative theme, as we try to determine and decipher exactly what the intent of our Founding Fathers was, is that every Member of

this House needs to be directly elected by the people.

While I appreciate the gentleman's insistence on a constitutional amendment, it is obviously well thought out, the gentleman feels very passionately about it, I could not disagree more strongly.

Mr. BAIRD. Mr. Speaker, reclaiming my time, I appreciate this need to exchange, because this is exactly what we need to do. During the 45-day period, as I understand it, the gentlewoman is saying the only check on the executive would be the threat of impeachment.

Does the gentlewoman believe that is consistent with the Framers' intent, when they wrote all of article I and purposefully chose article I as the description the legislative branch, or does she believe the Framers' intent was to say the executive can have carte blanche to run the country as they might, but 45, and possibly 75, days later under the bill the gentlewoman coauthored, the Nation has to wait 75 days for impeachment as a check on the executive?

Mrs. MILLER of Michigan. Mr. Speaker, if the gentleman will yield further, I am not an expert in this part of the law, but I do believe Federalist Paper No. 47 addresses principally the gentleman's argument there. I will tell you though, as I mentioned, I was the Secretary of State for 8 years in one of our largest States, and I really looked at this bill and talked to a number of my colleagues, as well as many members involved in the elections industry, to make sure we had a reasonable time frame that we set out for expedited elections.

Mr. BAIRD. Mr. Speaker, reclaiming my time, if I may, I am not disputing that. The point before us here, we have passed that bill. The point before us here is what happens in the 45 days? I think there may be grounds to dispute whether you can have an election or not. But the point of this legislation is to say how do we get this Congress up and running promptly.

Let me give you a scenario and see if you are comfortable with it. John Ashcroft said last week or the week before that high-profile targets include this summer the Democratic convention and the Republican convention. I will take him at his word.

If it is true that we are a high-profile target, and if you are at the Republican convention or we are at the Democratic convention and terrorists attack, let us suppose they attack during the President's speech at the Republican convention, and the president is killed, heaven forbid this should happen, if the President and Vice President are killed and a number of my good friends on your side of the aisle perish, of necessity at that point the House will have to reconvene, there will be a new majority, hence a need to elect a new Speaker. Presumably at that point the Democrats control the House of Representatives, presumably we will elect a Democratic Speaker, and, under the law of succession of 1947, that person is now in line for the Presidency of the United States. That is my understanding of the status quo as it exists in law today.

I would just ask the gentlewoman if she is comfortable with that or disputes that is the status?

Mrs. MILLER of Michigan. Mr. Speaker, if the gentleman will continue to yield, my understanding is that the gentleman's amendment here today, the resolution we are talking about here today, actually would override the bill we have already passed in a bipartisan way. That is really my intent, to make sure we focus on that as well. I think that is very, very important.

Mr. BAIRD. Mr. Speaker, reclaiming my time, the legislation that I put forward, actually it would obviate, not necessarily override. I really want to underscore that point. The chairman has repeatedly, really since day one of this, I think, misrepresented this. He misrepresented it in his opening comments. He said the question before us, in essence, is whether you will have an elected Congress or an appointed aristocracy.

The true question is, will you have any Congress or not? Not my bill, not the bill of the gentlewoman from California (Ms. LOFGREN), not the bill of the gentleman from California (Mr. ROHRABACHER), not the bill of Senator CORNYN, not any of the bills put forward would in fact ban elections, as the chairman repeatedly says. It is deeply frustrating to me to have a matter of this importance be misrepresented.

No one disputes, and I firmly agree with you, that the mechanism to replace House Members should be direct election, ideally, and we should have them as promptly as possible. But if we are so concerned about an aristocracy and appointment not responsive to the people, are you not equally concerned that a party mechanism for selecting a candidate implies in itself some degree of potential beholding to those who appoint it? Is the gentlewoman concerned about that at all?

Mrs. MILLER of Michigan. Mr. Speaker, if the gentleman will yield further, no, I do not share the gentleman's consternation with that particular facet of it.

But as the gentleman has outlined, as I say, we are now dealing with a situation which we previously before 9/11 thought was absolutely unthinkable. So it is difficult for us all to stand up here and think about our own demise, numerically how many would have to be incapacitated or whatever before we would move forward with something like this.

I think the gentleman has laid out in a very speculative way a number of different scenarios. The gentleman and I, along with many others, had an opportunity to debate this at a hearing in front of the Committee on House Administration. We went through all of these different kinds of things.

I think we have just different approaches to what needs to happen here. But I feel very, very strongly, a vast majority, a bipartisan majority of this House feel that all of us should be directly elected by the people. I think the bill we passed previously does address that in a realistic way.

Mr. BAIRD. Mr. Speaker, reclaiming my time, I thank the gentlewoman for her time and appreciate her engaging in this colloquy. I sincerely do.

Mr. Speaker, the reason I asked the gentlewoman to respond is this is what we really need to do with this bill. The gentleman from Wisconsin (Mr. SENSENBRENNER) would claim that he brought this up at our request. In fact, we did not request this fashion of bringing this legislation up. What we requested was that all measures to provide for continuity be brought up for debate, including my own, the bill of the gentleman from California (Mr. ROHRABACHER), the bill of the gentlewoman from California (Ms. LOFGREN), the bill of the gentleman from Connecticut (Mr. LARSON), the bill of Senator CORNYN in the Senate, two Republicans on that list, by the way, several Democrats, that they all be brought up and we have full discussion.

I would note for the record that I see on the House floor now about six colleagues, maybe seven. Two things concern me about that: first, if we really take this seriously, I believe we ought to all take it seriously. I do not think for a second my bill is perfect. I think there is merit to the other legislation. But I do not think we are going to get to a solution unless we grapple with this issue, unless we take it seriously.

The second thing that concerns me is let us suppose this random group of survivors here, this six or seven on the floor, are the group of survivors. Under the Constitution, that is not a quorum. The Constitution, in my judgment, is rather clear that a quorum is a majority of the Members, but House Rules state it is a majority of those chosen, sworn, and living.

Importantly, would the people of the United States of America believe that the seven or eight of us here now, relatively randomly chosen if we were survivors, are consistent with the representational nature of this body? It is not just the people's House because it is directly elected, it is the people's House because it deals with proportionate representation. It is the people's House because of prompt reelections.

Would the eight of us here right now be sufficient to send this Nation into war? Would the eight of us be sufficient to impeach a President? Would we be sufficient to select one of our own as the Speaker of the House, who would then become the President of the United States? I noticed in her comments, in response from my friend from Michigan, not once did she truly address what happened in that 45 days.

We talked about the elections, and I appreciate the importance of that. Let

me, if I may, address some of the myths that have been perpetrated by the opponents of this bill.

First of all, the myth that we have already solved the problem. We have not solved the problem. We have provided for special elections in 45, possibly as long as 75, days. But this notion that it was an elected House, not an appointed House that passed legislation, is rather absurd, when the choice is there might be no House at all to pass legislation.

Secondly, this notion that continuity is somehow not urgent, that we do not have to move forward with this. It has been 3 years. On September 10, 3,000 of our fellow citizens had no idea they were living their last day, yet they were.

The notion that temporary appointments somehow subvert the right to election. Again, and I underscore it, nothing in any of the legislation put forward would take away the people's rights to election.

When the chairman said, and I thought it was rather remarkable, that my legislation explicitly in the Constitution authorizing the Congress to deal with the matter of incapacity, that that takes away our right to deal with incapacity, I found that rather absurd, to say the least. The legislation before us says that Congress can deal with incapacity statutorily. How does that ban our right to do so?

The myth, which is just so remarkable, that the appointees would be irresponsible to the general public does a profound disservice to the existing Members of the House of Representatives. Indeed, I find it an insult.

To believe that the people that sent us here with the authority to send their children to war, as we have chosen to do, to tax them or give them back their taxes, to impose any number of legislative remedies and sometimes problems on this country, but then the moment it comes time to make one of our most profound decisions, who would replace us in a catastrophe to carry on this institution, that moment, suddenly we lose capacity of our senses.

□ 1615

It not only insults us, it insults those who we might nominate to replace us.

By coincidence, not 30 minutes ago I met with Don Bonker, a gentleman who represented my district a little over a decade ago, a distinguished statesman with outstanding international skills. Do we seriously believe that if I nominated Mr. Bonker to be my replacement that he would act irresponsibly to care for this country? And if you believe that impeachment is a worthwhile check on the abuse by the executive, why do you not also believe that a subsequent election would be a worthwhile check on Mr. Bonker's conduct if he were to act irresponsibly? The inconsistencies and illogic are breathtaking sometimes.

I want to do one other thing. My friend, the gentleman from Arizona (Mr. SNYDER) is here; and I want to compliment him. It is rare in this body I find that we acknowledge that there may be a shortcoming in our own legislation and that an opponent of that legislation has pointed out a shortcoming. The gentleman from Arizona (Mr. SNYDER) came to me this morning, raised an issue; and I think he has a good point. I would like to be able to fix that.

I would have liked the process such as we propose in the original rule where you debate things and then have time to amend it. I doubt that is going to be allowed. But I will say, and I appreciate the gentleman very much for raising the shortcoming, I will in future drafts, if we have the opportunity, endeavor to fix that.

But I would also say right now that, even with the shortcoming, I believe with all my heart that the bill we have before us today is superior by far to the status quo. So while I expect fully that we may not pass this bill, I will intend to bring it up with modifications.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to this proposed constitutional amendment.

Every person who has ever served in this House in the over 200-year history that we have existed as a country, every person has been elected. Not one has been appointed. When one reads our Nation's founding document, it soon becomes clear that the right to elected representation was the very core of its significance and its lasting value. No constitutional amendment that allows appointed representatives would be consistent with the very essence of our Nation's reason for being and, for that reason, I oppose such amendments, including this one.

James Madison wrote in Federalist No. 57, ''Who are to be the electors of the Federal representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune.''

Constitutional amendments that would allow appointed Members would deny that sacred heritage.

At the Constitutional Convention, according to the notes taken by James Madison, delegate George Mason argued strongly for ''an election of the larger branch,'' that means the House, ''by the people. It was to be the grand depository of the democratic principle of this government. It was, so to speak, to be our House of Commons. It ought to know and sympathize with every part of the community; and ought therefore to be taken not only from different parts of the whole republic, but also from different districts of the larger members of it.''

It was arguments such as these that won the day when our Constitution was drafted. Constitutional amendments that would allow appointed Members would violate those principles the Founders believed were most important.

James Wilson at the Constitutional Convention, according to Madison's notes, ''contended strenuously for drawing the most numerous branch of the legislature immediately from the people. He was for raising the Federal pyramid to a considerable altitude, and for that reason wished to give it as broad a basis as possible.''

Mr. Speaker, H.R. 2844, which I cosponsored and which passed the House on an overwhelmingly bipartisan basis, 306 to 97 right here in this House, preserves America's essential right to elected representation. This amendment, however, would override H.R. 2844 and deny the core of America's founding principles and, for that reason, I strongly oppose it.

Ms. LOFGREN. Mr. Speaker, I would note that when the Founding Fathers spoke at that time, they were contrasting with a Senate that was appointed.

Mr. Speaker, I yield 3 minutes and 45 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE), a distinguished member of the Committee on the Judiciary.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman from California for yielding me this time, and I appreciate the insight that she provided us in the Committee on the Judiciary when she asked for a delay so that we might give the kind of attention to this issue, Mr. Speaker, that I know my colleagues know it deserves.

This is a very intellectual, if you will, and high law debate. As the distinguished gentleman from Washington (Mr. BAIRD) said, it has been 3 years, so sometimes distance and absence does not make the heart grow fonder, or it certainly does not educate us about the crisis in which we are literally debating.

It is important for the colleagues who are listening to this debate and who are participating in this debate to realize what the Baird amendment actually does. He is talking about catastrophe, disaster. He is talking about a wiping out of the United States Congress, 218 Members dead or incapacitated.

It is nice to stand here and to give out pleasantries and to, if you will, assume that it could not happen to us. But, as I said this morning, the beginning of the Constitution said we have gathered to create a more perfect union, and today we are attempting to debate an issue that is to create a more perfect union in the light and the backdrop of the life we lead now: terrorism abounding throughout the world, Iraq exploding, Afghanistan exploding, and the potential of terrorist acts as the

Attorney General has announced. Whether or not it is announced with any immediate evidence, he has announced it.

So what we are saying to the American people, frankly, is that we are talking about this body being incapacitated.

Now, I know that we would not want to make light of this, because some might say something about the incapacity, but we do realize that this is the most powerful law-making body in the world. This amendment deserves more than appeasement, and that is what we are getting here.

Frankly, I believe the gentleman from Washington (Mr. BAIRD) is accurate. He wanted to have a debate, he wanted to have a hearing because this is of value to him, not personally, but he believes that this is a needed constitutional amendment because we may face a catastrophe, and he wants to incorporate the gentleman from Arizona's (Mr. SNYDER) reflection.

I am interested in finding out whether there can be amendments dealing with how the appointment process goes forward.

But this is not to undermine the constitutional aspects of election. This is to suggest that there is nobody here to have an election, that we are all dead. Does anybody understand the monument of the moment that we are speaking about?

So when we begin to take this in a very calm and light manner, this is not what the gentleman from Washington (Mr. BAIRD) is talking about. He is not suggesting that we should eliminate the constitutional provisions or the commitment that we have to a democratic and free election. He is suggesting that we are in the middle of a crisis.

Now let me just cite for my colleagues the history of this Committee on the Judiciary since I have been on it. We have had the controversial hearings dealing with Waco. We have had the controversial hearings that took up a half a year dealing with the impeachment process of the President that served just a few years ago, William Jefferson Clinton. We have had those hearings. We have had the flag-burning hearings on a constitutional amendment every single year. We have had the victims of crimes amendment every single year, or a good number of them. We are going to have the same-sex hearings over and over again. I do not know if those are life-or-death matters, but we have had our set of hearings.

Can my colleagues tell me what reason there is, what reasonable men and women could disagree that we would not placate the gentleman from Washington (Mr. BAIRD) by a lousy presentation on the floor of the House? And I will say lousy not in disrespect of my colleagues but the fact that this is limited and ridiculous as it relates to the moment that we are discussing about the incapacitation of this body, 218 dead. And might I say to my colleagues, that is real. Because on 9/11, those planes were headed for the United States Capitol.

I would simply say that we need hearings, and we should recommit this back to the Committee on the Judiciary for full hearings, and we should not appease, but we should do our jobs and respond to the crisis that may come forward and work on behalf of the American people.

Mr. Speaker, I commend our distinguished colleague from Washington, Mr. BAIRD, for his effort and leadership in pursuing a legislative answer to questions left after the House passed H.R. 2844, the Continuity in Congress Act on April 22, 2004.

Like Mr. BAIRD, I sought to obtain answers to some of the issues that I found in that bill by offering an amendment, which Mr. SCHIFF was kind enough to offer in my absence.

While Mr. BAIRD's specific problems with H.R. 2844 are slightly different than those that I had, I support his legislation because it offers us an opportunity to craft a tighter legislative remedy to the need to establish a system of continuous leadership in the House of Representatives.

However, even Mr. BAIRD's attempt will not be maximized because our colleagues on the other side of the aisle have seen fit to push this bill through Committee markup without first allowing the Members to analyze it in a legislative hearing.

Although H.J. Res. 84 doesn't seek to expand the time to file suits concerning the special election process, Mr. BAIRD suggests that the question of emergency representation be answered before the vacancy can occur—when the elected Member initially takes office.

To reiterate my proposals to improve H.R. 2844, I suggested first that the section of the bill that deals with the time in which a person(s) may file a lawsuit arising out of the Speaker of the House's announcement of vacancies in the House of Representatives that exceed 100 be increased. This change would expand the ability of an aggrieved party to file suit for either declaratory or injunctive relief.

Because not every state has a Capital Beltway or even a superhighway system, and because information travels at a different rate in every location, it is important that we establish a fair standard for a filing rule that affects every state in the country. The principle of procedural due process dictates that every citizen have a realistic opportunity to obtain legal relief through our Judicial Branch.

Next, my proposal spoke more to the issue of due process for all citizens by preserving their right to appeal the announcement of a vacancy. Because the 45 day deadline for special state elections already places significant constraints on the electoral process and on the citizens represented due to its brevity, taking away the right to an appeal from the U.S. District Court would excessively curtail the procedural due process rights enjoyed by citizens.

Given that the time in which a Federal judge has to compose an order disposing of these matters is provided in this bill, an equally expeditious appeals process should be provided so as to maintain consistency with the U.S. Constitution and the commitment to both the 5th and 14th Amendments.

Lastly, I proposed that the right to sue under the original bill be extended to the citizens of every state in addition to the chief executive. This proposal is very important to protect the interests of all citizens in the various congressional districts in the midst of party politics. As H.R. 2844 is drafted, Section 2, paragraph (4), subparagraph (iv) would confer the right to sue in the event of a vacancy announcement by the Speaker of the House solely to the ''executive authority,'' in Houston's case, the Governor.

Such very limited language almost certainly threatens to deprive the citizens of a right that they should enjoy in the event that the Governor chooses not to participate in a suit for declaratory or injunctive relief pursuant to a vacancy announcement made by the Speaker of the House. In order to protect the rights of every person who truly has an interest in a call for a special election, we must allow citizens to sue for relief.

A careful review of the Judiciary Committee's history with respect to its past treatment of constitutional amendments evidences a strong practice of holding hearings prior to any scheduled full Committee markup of that particular amendment.

Consider, for example, the constitutional amendment to protect the rights of crime victims. That amendment was introduced in each consecutive Congress since 1994 (the year the current Majority took control of the House), and on each occasion, it was the wisdom of the Committee to schedule a hearing.

Also, consider the Committee's treatment of the constitutional amendment to prohibit flag burning. A proposal on this issue was introduced in the 108th, 106th, 105th and 104th Congress and each time the Committee undertook hearings prior to scheduling a markup.

Moreover, consider the Committee's treatment of the constitutional amendment to limit the federal government's ability to raise taxes. A proposal on this topic was introduced in the 105th and 104th Congress, and hearings were held on both occasions.

With this apparent and undeniably longstanding tradition, we are now told that a hearing is unnecessary under the present set of circumstances because a hearing was already held on the Baird amendment introduced in the 107th Congress. This line of reasoning lacks merit for two important reasons.

First, as previously mentioned, it has been the well-established practice of the Judiciary Committee to schedule a hearing on such proposals prior to proceeding to a markup. This hard and steadfast rule has prevailed, even under circumstances where the proposed amendments were virtually identical in nature.

Second, even assuming the general rule was subject to change, the two versions of the Baird amendment, H.J. Res. 67 (introduced in the 107th Congress) and H.J. Res. 83 (introduced in the current Congress), are distinct enough to warrant two separate hearings on their own merits. H.J. Res. 83, for example, uses a distinct threshold for making temporary appointments; places considerable limits on the discretion of the chief executive when he or she is authorized to make such appointments; and provides a mechanism for an incapacitated Member to regain his or her seat after recovery from incapacity.

Our Committee has already seen fit to schedule a series of five hearings, over the course of the next several months, to discuss the issue of same-sex marriage. With this in

mind, one single hearing to discuss and consider ideas on how best to ensure the continuity of our government in the event of a catastrophic incident is more than reasonable.

Mr. Speaker, I ask that my colleagues think about the gravity of what this Constitutional amendment will entail. We need to recommit this bill to the committee of jurisdiction, the Judiciary, and revisit the important issues that I have stated above.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE), a member of the Committee on the Judiciary.

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding me this time.

I rise to relish this debate. It is precisely the type of issue that, as I was a boy first falling in love with the Constitution of the United States, as no doubt the gentleman from Washington (Mr. BAIRD) did as well, I hoped some day to be a part of here.

I congratulate the distinguished gentleman from Washington State for his passion on this issue, and I believe in his well-intentioned efforts to address what is, unfortunately, an issue that this Congress must continue to confront in the years ahead.

But with regard to House Joint Resolution 83, however well-intentioned, Mr. Speaker, I would offer that it is nonetheless bad policy.

When terrorists attacked America on September 11, I was here in the Congress, and that very next day, I witnessed that it was an elected Congress that responded in the wake of those attacks. Had the 107th Congress been comprised of appointed officials, the legislation we passed would not by definition have carried the same validity. The truth is, it would hardly have been reassuring to the American people immediately following a terrorist attack to see the faces of hundreds of strangers running their government; and, gladly, it did not occur.

The Constitution could not be clearer on this point. Article I states, ''The House of Representatives shall be composed of Members chosen by the people of the several States,'' and that ''when vacancies happen in the representation of any State, the executive authority shall issue writs of elections to fill such vacancies.''

Of this point James Madison wrote in Federalist No. 52, ''As it is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the House should have an immediate dependence on and an intimate sympathy with the people.''

Frequent elections are unquestionably the only policy by which a dependence and sympathy for the people can be equally secured. In fact, it would be Madison himself who in a speech years later would suggest ''a gradual abridgement of the right to suffrage or to elected representation has been the mode in which aristocracies have been built on the ruins of popular forms.''

That is not what we are about here today, nor would I imply it or suggest it to my friends and colleagues. But I am here to say that this business of the People's House being the exclusive province of the national government where one must be elected by the people to serve is a principle worth defending.

For that reason, despite my admiration for the gentleman from Washington, I urge my colleagues to oppose this resolution inasmuch as it does undermine the core principle that this place on this floor should ever be the People's House.

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of the Committee on the Judiciary and the ranking member of the subcommittee.

Mr. NADLER. Mr. Speaker, we are asked today to consider the most serious question likely to come before the Congress: how to maintain our government as a democratic representative government in the event of a catastrophic terrorist attack. We must think carefully about the unthinkable, and we must do it now while we have the opportunity to do so.

Unfortunately, this proposed amendment is being brought up by the Republican leadership under a closed rule, with 90 minutes of debate, no hearing in the Committee on the Judiciary or in any committee of this Congress. An alternative proposed by a Republican colleague from California cannot even be debated under this rule. As the ranking Democratic member of the Subcommittee on the Constitution, the subcommittee with the responsibility to consider all proposed constitutional amendments, I can tell my colleagues that this proposed amendment has never been the subject of a hearing in this Congress.

Let me read what the Republican report on this bill says: ''No hearings were held on H.J. Res. 83,'' period. We have found the time for five hearings on same-sex marriage, and we have found the time to consider a bill to declare the oak tree the official tree of the United States. We have found time for hearings on flag burning but not on how to prevent the destruction of our democratic institutions.

□ 1630

We have found the time to consider a balanced budget constitutional amendment, but no time to consider how to maintain the voice of the American people in the consideration of taxing and spending measures.

These are the twisted priorities of this Republican leadership. How do we protect our democracy in the event of a terrorist attack? Who knows. I would like to know how we can protect our democracy right now. Clearly an issue that is of the highest importance to the Nation, an issue that should be nonpartisan is being handled in a partisan manner. That is anti-democratic.

Is this amendment the right solution to a significant problem? Perhaps. Frankly, I think it goes in the right direction. I have some amendments to it that I would make, if they were in order, if we had time to consider it. We ought to hold hearings.

This House passed a bill to guarantee elections in 45 days. Frankly, I think that 45 days is too quickly. What do you do as a practical matter, especially after a catastrophe, what do you do within those 45 days? I think that the best amendment would probably be something that would be along the lines of this amendment that we are considering now, but I think there ought to be a mandate that there be a special election within a reasonable time period, not 45 days, but maybe 120, 180 days.

What is practical? I think there are other things. But the fact is how do you determine when someone is incapacitated and when he is no longer incapacitated? We ought to have serious hearings. We ought to consider this properly. We ought to consider the gentleman from California's (Mr. ROHRABACHER) suggestions, my suggestions, other people's suggestions. We ought to consider the suggestions of law professors. We ought to do this right. This is a serious matter.

Instead, what we have done is take up the chairman's bill. Why? Because he is the chairman. We do not consider anything else. We know that many people think that that is not an adequate bill, but they did not have proper hearings either. Now because of criticism, we are taking up this bill with no amendments and no other considerations.

Frankly, the trouble that Members are having answering these questions is because the Republican leadership will not allow the proper minimal consideration of this issue. That is no way to protect our democracy in these dangerous times.

I would urge that this bill should be sent back to the Committee on the Judiciary. I will vote for it because it is the best thing we have in front of us. We ought not to be in the position we are in.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to respond to the complaints about the process in the Committee on the Judiciary. It is true there were no hearings on the amendment of the gentleman from Washington (Mr. BAIRD) during this Congress. There was a hearing in the last Congress. There was not very much support for the notion of appointing replacement Members of the House of Representatives.

The gentleman from Washington (Mr. BAIRD) introduced House Joint Resolution 83. Until the day it was reported by the Committee on the Judiciary, it had no co-sponsors at all. Then there were two people who added their names to the joint resolution, including the gentleman from New York. There was

one amendment that was offered during the committee markup when the resolution was open for amendment at any point, and it was subsequently withdrawn.

When the Committee on Rules had its hearing last night, none of my Democratic friends offered any amendments for the Committee on Rules to consider. The gentleman from California (Mr. ROHRABACHER) did offer an amendment.

I would point out that on November 15, 1983, when the Democrats were controlling the House, the House considered the Equal Rights Amendment, a very important constitutional amendment under suspension of the rules where there was only 40 minutes of debate and no amendments were offered. Two-thirds vote was required under suspension, as it is for constitutional amendments; and it was voted down.

But anybody who complains about this process where there is 90 minutes of debate, no amendments because it is a closed rule and, except for the gentleman from California (Mr. ROHRABACHER), nobody offering any amendments, I think really ignores how the ERA was considered 21 years ago.

Now, finally the gentleman from Washington (Mr. BAIRD) filed a discharge petition. He wanted to bring the bill up out of the regular order, without any hearings, and without any committee consideration. What I did is there was a full markup at the committee where the amendment was open for amendment at any point. There was a vote in the committee. And the majority of the committee reported it out adversely.

So I think that anybody who says we need more hearings should not have been on that discharge petition.

Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia (Mr. FORBES), a member of the committee.

Mr. FORBES. Mr. Speaker, I rise today in strong opposition to House Joint Resolution 83. I myself was elected to serve in the House of Representatives 3 years ago this month in a special election when my predecessor passed away. If my predecessor had been forced to make a list of successors, would have I been on it? I do not know the answer to that question. But I do know that it is unlikely that my constituents would have wanted their representative decided for them in any other manner than by election.

In a time of national emergency, the people I represent should have a right to choose their next representative. To deny them this right would be autocratic and unjust, no matter how well intentioned the motive.

Today, Mr. Speaker, we are considering a powerful amendment that could alter the very nature of our government. It would strip the voice of the people at a time of national emergency, a time when the people's voices are most necessary and most moving. Without elections, our government becomes bureaucracy in action rather than democracy in action. It is precisely at such a time in such an emergency that we need to guard and defend the rights of our citizens to vote and not yield to the temptation to absolve that right.

This bill undermines the legitimacy of the House of Representatives. It is no accident that our Founders designed the House of Representatives to be composed solely of elected representatives of the people.

George Washington said: ''The preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered deeply, perhaps as finally, staked on the experiment entrusted to the hands of the American people.''

Mr. Speaker, our experiment with democracy has worked. As a Nation we have survived many national emergencies, disasters, and tragedies. We are the oldest working democracy because we make it clear that power in this government must remain with the people.

I urge my colleagues to vote against House Joint Resolution 83.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I rise in opposition to H.J. Res. 83. And for those Members who are undecided on how they are going to vote today, I suggest two questions: First of all, have my colleagues read this proposal? If they have not, please go to the computer, pull it up, and read it. The language is confusing. It does not work. I do not believe it accomplishes the purposes that the sponsors have set out for us.

Today is not the day of the vote for this proposal. It is still in a draft form and needs more work.

The second question, What does one consider to be the essence of democracy? Is it continuity of government, or is it the right of a free people to be represented by those people whom they elect? If one believes in a seamless continuity, there has always been a way to do that. We have had kings. The king is dead. Long live the king. Succession just passes to the son or daughter.

This particular proposal says succession will pass to people who we select. We die and the government will appoint one of those two people. That, in my view, provides continuity, but it does not preserve what I think is the essence of democracy, the right of a free people to be represented by those whom they elect.

Finally, on the motion to recommit, which I believe is coming, the language that I read, I believe it is the current draft, says that this resolution will be sent back to committee for full hearings on this resolution.

In the spirit of what has been said by the gentleman from New York (Mr. NADLER) and others, I would hope that language would be modified asking the committee chair to have hearings on all the proposals out there.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise in strong opposition to this legislation. Of course, it is well intended. We have all worked together. The request was made of me that we have a chance to vote up or down on this constitutional amendment. The gentleman from Wisconsin (Mr. SENSENBRENNER) and I worked this out.

Now the author of the amendment says it is flawed. We have the ranking minority member of the Subcommittee on the Constitution saying it is flawed. We have a proposal before us. It should be unanimous that we vote ''no.'' It is a bad idea, and it should not be done.

The thing that troubles me is while I know that my colleagues would like to ensure that there are elections, their proposal does, in fact, provide the opportunity for appointed individuals to serve in the House. There was a debate in 1787 on this very issue. Charles Pinckney, as he discussed the issue of the first branch, talked about the fact that Members of the House should be appointed. Why should they be appointed? He said the people were less fit judges.

Now, I am not claiming that the people who are proponents of this constitutional amendment believe that the people are less fit judges. I am not claiming that they do not want to have elections. But I will say that as we look at the debate in 1787, Madison, Mason, Dickerson and other Framers, I think, got it right and concluded correctly with Madison's quote when he said: ''The right of suffrage elections is certainly one of the fundamental articles of democratic government. A gradual abridgement of this right has been the mode in which aristocracies have been built on the ruins of popular forms.''

I think it is very important for us to note that it was the James Madison view that prevailed, ensuring that the people are elected when they serve in the people's House. Remember, it was Federalist 53 when Madison said: ''Where elections end, tyranny begins.''

This proposal would, in fact, have something take place before elections. So I think that we have the opportunity with this amendment before us to tragically move in the Pinckney direction, which did, in fact, say that the people are less fit judges. And that is why I believe it would be wrong for us to potentially have a totally appointive government which we conceivably could have if this constitutional amendment were to prevail. It is possible that we could have an appointed President, Vice President, an entire United States Senate and, with this proposal, appointed Members of the House. That is why James Madison was

so careful, and that is why he was so correct in ensuring that at least one entity could not serve, could not have any power unless it is vested in them by the people.

Mr. Speaker, the author and other Members have now admitted that this is flawed. The gentleman from Arkansas (Mr. SNYDER) just came forward having offered a proposal to the gentleman from Washington (Mr. BAIRD) about making a modification, and he has come forward and said he would like to have another proposal.

Well, we have gone through this for a long period of time, and as the gentleman from Wisconsin (Mr. SENSENBRENNER) has said, a hearing on the constitutional amendment was, in fact, held in the last Congress. We know what it consists of. A constitutional amendment consists of having appointed, rather than elected, Members of the House. And the proposal itself is flawed, as has been admitted.

That is why I encourage my colleagues in an overwhelming bipartisan way, just as we in an overwhelming bipartisan way by a vote of 306 to 97 voted in favor of our expedited election legislation, we should come together in the same way and vote down this ill conceived measure that would fly in the face of the vision put forth, the inspired vision of the Framers of our Constitution.

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of this measure and commend my good friend and colleague, the gentleman from Washington (Mr. BAIRD), for his outstanding leadership on this critical issue.

This important legislation would amend the Constitution to allow temporary appointments to fill vacancies in the House only in the event of a catastrophic attack. If we do not pass this legislation, Mr. Speaker, we risk disenfranchising large portions of the country in a time of national crisis or, worse, in the case of mass incapacitation of Members preventing the House from even convening to conduct the people's business.

Some Members will argue today that a constitutional amendment is not necessary to address the problem of congressional continuity. While I understand some of their concerns, I question whether Congress has investigated the matter enough to even come to that conclusion.

The AEI Brookings Continuity of Government Commission after studying the issue thoroughly endorsed a constitutional amendment even though some members began the process undecided or opposed to that course of action.

Mr. Speaker, others will note that the House already addressed this matter by passing legislation in April to require expedited special elections within 45 days.

□ 1645

Well, Mr. Speaker, I would point out that in the 6 weeks after the attacks of September 11, the Congress passed numerous pieces of legislation authorizing, among other things, the use of military force, an airline assistance measure, an economic stimulus bill, the Defense Authorization Act, numerous appropriations bills, the farm bill, and legislation pertaining to bioterrorism, victims assistance and terrorism financing.

Well, Mr. Speaker, without a constitutional amendment to allow temporary appointment after a disaster, the most important decision that our body can make, the decision to declare war, could have been made with a greatly diminished or unrepresentative House.

I am disappointed that we are being given only 90 minutes to debate one of the most important topics that this Congress can address. I know that other Members have proposed their own constitutional amendment to address the issue of congressional continuity, and we deserve hearings and discussion on those recommendations as well.

Mr. Speaker, it is our duty to prepare the legislative branch for any kind of disaster; and this constitutional amendment is necessary to ensure that the House will be able to continue its work even in the worst circumstances. I urge my colleagues to support this legislation. I congratulate the gentleman from Washington (Mr. BAIRD) for his leadership and passion on this issue.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COX), the chairman of the House Republican Policy Committee.

Mr. COX. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I thank the author of this proposal before us. It was 2 years ago that the Speaker asked me, along with the gentleman from Texas (Mr. FROST) as my co-chair, to chair the Continuity of Congress Working Group that was a predecessor for the outstanding work that the Committee on the Judiciary has done legislatively in subsequent years.

Our working group, which existed for over a year, took a first look at these problems after the horrible events of September 11 shocked us into realizing that it could happen, that the entire Congress or virtually the entire Congress could be destroyed at once. This is a problem for the House much more than it is for the Senate because, of course, senators can be appointed. They can be replaced immediately. The House cannot because we have, as you have heard throughout this debate, since the inception of our country always been an elected body.

So the working group recommended a resolution that was adopted unanimously by this House, urging the States to advance special elections in the event of an emergency, to speed up that process. When the States did not, except for California, respond to that resolution, we passed the very thing here recently requiring that that take place. We have also, as a result of the work of the Speaker's working group, the bipartisan working group on continuity of Congress, seen a lot of our recommendations brought into effect.

I want to commend the author of this proposal, the gentleman from Washington (Mr. BAIRD), because he was one of the moving forces in making sure that all of this happened.

We have completed the following: There is now a reformed House resolution on expedited special elections. There is now a change that we routinely employ to the concurrent adjournment resolution so that, in the event of a catastrophe, we could reconvene in some other place other than the Capitol. There is now an emergency recess rule so that if the Speaker or whoever is presiding learns that there is an imminent attack we can adjourn under our rules, and the Congress could reconvene elsewhere under the proceeding reform.

There is a very important change in the way we account for vacancies in the House that otherwise, if there were a lot of Members killed, would prevent us from mustering a quorum. This change allows the Speaker to announce the adjustment of the whole number of the House upon notification of the death, resignation, or expulsion of a Member. And the Speaker's announcement, importantly, is not subject to appeal.

We also have changed the rules for Speaker succession. Much in the same way that the author of this proposal has suggested that we repopulate the House, we have made sure that there will be a Speaker. There is now going to be a list of Members who will succeed the Speaker in the event of a vacancy in the office, and that Member will act in this role until the House reconvenes in order to elect a new Speaker.

The challenges that are under debate today remain. We do not have a national consensus. We cannot get two-thirds in the House and Senate. We know that, but we are moving the process forward.

I will vote against this only because it is not perfect, but I commend the gentleman for offering it.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT), a distinguished member of the Committee on the Judiciary.

Mr. WATT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I voted for H.R. 2844, the expedited election procedure which provides that States should try to have expedited elections in the event of a catastrophe within 45 days.

I voted for that measure because I thought it was better than nothing,

and prior to that we did not have a process in place. I voted for it because, on a motion to recommit, the opposing side, the Republican side, decided that they would accept the motion to recommit to at least make whatever State procedures were in place subject to the civil rights laws of our country and other voting rights laws.

H.R. 2844 provided a transition position that will expedite an election within 45 days, but I still think that there is a need to have a debate about whether there ought to be a different process for replacing Members in the event of a catastrophe in a shorter time frame, and I am satisfied that the only way that that can happen would be through a constitutional amendment.

I am probably the least likely person to be supporting a constitutional amendment, and I rise today neither in support of nor in opposition to H.J. Res. 83, the proposed constitutional amendment that the gentleman from Washington (Mr. BAIRD) has offered. What I am disappointed about is that we have taken this very weighty national issue and turned it into what has essentially become a partisan issue, a political issue; and we have used this opportunity, instead of as an opportunity to hear from the people and to try to form a consensus about what should happen under these circumstances, to basically one-up the other side. Let me rush this thing to the floor without any real debate.

I think the sad thing today really is that we have not had an opportunity to review and study and have hearings on either the Baird proposal or a number of other proposals that are out there that cry out for hearings and the kind of debate that we believe are necessary and that the public deserves.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding me time; and I appreciate his leadership on this issue.

I rise to note a couple of important points. I would start with the proposition that Lord Churchill pointed out, and that is that democracy is the worst form of government, except for all the others. It is an inconvenient form of government even at the best of times, but the gentleman just spoke and suggested that we need to have more debate about how the People's House should have its representatives selected.

The truth of the matter is, from the inception of our Republic we have had that great debate and our Founding Fathers have solved that debate for us. They have told us that the People's House need to be elected by the people.

Speaking of the inconvenience of democracy, George Mason during that great debate suggested that ''whatever inconvenience may attend the democratic principle, it must actuate one part of government.'' By the way, that is us. He continued, ''It is the only security for the rights of the people.''

Mr. Speaker, I would suggest to you that doing away temporarily with democracy is something that a lot of aspiring democracies in third world countries have done, and temporary turns out to be a long time and sometimes forever. The worst thing that we can do is to throw out our traditions because we are having a serious crisis.

It is a shame that a great, honorable debate about how we continue the traditions our Founding Fathers gave this great House, the People's House, always elected by the people of the various States, it is a shame that it has descended into sort of a partisan roughhouse here because that certainly is inappropriate. But I would point out that the Democratic party, big D, is being very undemocratic, small d, in this debate. The Republican party is being very, small r, republican during this debate because it is the Republic that our Founders gave us that we are trying to defend, especially as it relates to article 1 and how the people of this House, that represent all of the citizens of the United States, are selected.

I would end up by stating that James Madison, the prime author of our Constitution itself, suggested he ''considered the popular election of one branch of national legislature an essential plan of every free government.''

Mr. Speaker, I would ask every Member of the House to support Madison's version, our version, of a free government, defend elections, and do not do away with elections temporarily or ever.

Ms. LOFGREN. Mr. Speaker, I yield 3¾ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of H.J. Res. 83. I support this constitutional amendment not because I believe this is the best proposal or a perfect proposal but because I believe we need a constitutional amendment to assure the continuity of Congress, and the Baird proposal is the only option that we have been allowed to vote on.

I agree with the gentleman from Washington (Mr. BAIRD) that this subject deserves better treatment than it has gotten so far, and I will be voting for his motion to recommit with instructions to the Committee on the Judiciary to hold hearings on several proposals.

One of those proposals, House Joint Resolution 92, is mine. I asked the Committee on Rules yesterday to make my proposal in order as a substitute and was turned down. So I am taking this opportunity to explain my substitute to our fellow colleagues today.

My amendment would provide for a temporary acting successor, actually, a choice of five in case any of us become deceased or incapacitated. That would go for senators as well. I want to stress this point because there has been some misunderstanding. What we are talking about is the proposal on the floor today or my own proposal. The debate is not whether or not a seat should be filled by an elected representative. We keep hearing that. No. Elected representatives are certainly the best option to go whenever you have that opportunity.

The choice that we are talking about today is whether the death or incapacitation of a representative or a senator should result in a State or district going unrepresented for months or whether representation should be continued during this period by someone who has been appointed or been selected by us, by those of us who were elected, and that selection is made known to the voters prior to the selection so that the voters will approve not only the representative or senator but the choice of an alternative in case that senator or representative becomes incapacitated or killed.

We are not talking about not having an elected official or elected officials here. That is a bogus argument. I am sorry. We are talking about the 45 days in which, before there would be a special election, whether or not that our country will remain vulnerable because we do not have people representing the people of the United States or, in my proposal, whether or not during those 45 days the American people will have a chance to vote for an alternative when they vote for us to get us elected in the first place.

□ 1700

This makes all the sense in the world. We elect a Vice President of the United States that way right now. Is that to say if the President is incapacitated or dies that we have someone who is unelected when the Vice President steps up? No. He is elected even though his name is not on the ballot.

There is no reason why we should not have this in the legislative part of the government as well as the executive. This goes to the heart of whether or not we are going to be prepared for an emergency.

Let me note that on September 11, when we were in our desperate situation, I remember when we met on the steps, the gentleman from Washington (Mr. BAIRD) and I, I grabbed him and said, look, we have got to sing ''God Bless America'' right now because the American people need this. We are in a crisis, and they need this.

Today, the American people need a constitutional amendment to come to grips with this challenge that terrorism threatens to bring upon us. We need to make sure we are ready in case of an emergency. The Republican proposal is to leave us totally at risk for 45 days. That is ridiculous. Let us amend the Constitution and take care of this problem, and the people's right to vote will be taken care of as well.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. SMITH) a member of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Speaker, first of all, I would like to thank the chairman of the Committee on the Judiciary for yielding me time.

Mr. Speaker, Article I, section 2 of the Constitution states as follows: ''The House of Representatives shall be composed of Members chosen by the People of the several States. When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such vacancies.''

The Constitution emphasizes the right of the people to govern themselves through their elected representatives. We should not ignore that Constitution.

However, the constitutional amendment we are considering today would create unelected representatives. It would have vacancies during a disaster filled by appointees.

The House already has passed H.R. 2844, introduced by the gentleman from Wisconsin (Mr. SENSENBRENNER), which passed by a three to one margin. It requires special elections to occur within 45 days of a disaster that kills more than 100 Members of Congress.

While some wonder how the government would operate while we are waiting for those elections, there is a House rule that provides that a quorum shall consist of all Members who are living. During a time of disaster when many Members have died, the Speaker can adjust the required quorum to reflect the number of Members still living.

On the other hand, by law, Senate vacancies are filled by the governor of the affected State. So if a significant number of House and Senate Members were killed during an attack and if House Members were appointed as well, as this constitutional amendment we are considering describes, we would then have a Congress of mostly unelected officials. That is another reason we must preserve the right of the American people to have elected representatives in the House.

Some claim that a constitutional amendment providing for the immediate appointment of representatives is necessary for a government to function, but Congress has granted the President significant powers to act during a national emergency. Congress could utilize that reduced quorum until elections are held.

Mr. Speaker, any constitutional amendment that would deprive the American people of the right to elect their representatives should be defeated. Democracy is always better than bureaucracy.

Ms. LOFGREN. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. BAIRD), the author of the amendment.

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman from California for the time.

I would just note that it was my distinguished colleague from Texas who, when we were given the opportunity, my colleague was asked for unanimous consent in the Committee on the Judiciary hearing to let me speak to my own bill. It was a UC request. All it needed was one member of their body to speak up and say no, and it was the gentleman from Texas.

On the one hand, the opponents of this legislation argue that we must have elected representatives. On the other hand, they suppress the rights of those elected representatives to speak to their own legislation.

Our 90 minutes are about up. I want to take a little bit of time, if I may, to thank the gentleman from Texas (Mr. FROST) and the gentleman from California (Mr. COX) for their outstanding work on the Working Group. I would like to commend the gentleman from Connecticut (Mr. LARSON); the gentleman from California (Mr. ROHRABACHER) for his intelligent and thoughtful comments; the gentleman from Rhode Island (Mr. LANGEVIN); the gentlewoman from California (Ms. LOFGREN) for her leadership on this issue, the gentleman from California (Mr. SHERMAN) for his work on presidential succession matters.

I would also like to commend the work of the Continuity of Government Commission. We have spent 90 minutes on this issue today. The Continuity of Government Commission spent virtually a year on the matter. All of the members of that commission began saying we should not amend the Constitution, much like my friends on the other side have. Yet, to a person, they agreed at the end that we need to or we will be without the checks and balances so fundamental to our great Republic.

I also want to thank the opponents of this bill, the chairmen of the various committees. I also want to thank the ranking members.

The discussion today I think makes the proposal we will end up with a stronger proposal. That is part of the crucible of this institution. My fear, however, is that that crucible itself is in jeopardy. There will be silence on this floor if we perish or there will be chaos and discord as partisan rancor evolves in the aftermath when this lack of constitutional clarity emerges.

People have said what the American people would want, my friends on the other side. One of the things we do far too seldom here is go back to the people themselves and ask them. I would invite my colleagues to do as I have. Hold some town halls, go to some Rotaries or Kiwanis or Lions or whatever group you want and give it a fair question. Say here is the choice, a fair and balanced question. Say do you want in the aftermath of a crisis, do you believe we should have temporary appointments, nominated by the people you most recently elected and thereby are most likely of the same party and political ideology or would you have complete vacancy for 45, possibly 75 days? Ask them and see what they say. Ask them.

If my colleagues can come back to me and say that the people I talked to would say we would rather have no voice in Congress as our Nation goes to war and my sons and daughters are committed to a conflict, we would have no voice in Congress as our civil rights are usurped, we would like to have no voice in Congress as someone accedes to the presidency who was never elected but who was, in fact, themselves appointed, ask them, and I believe with great confidence they will tell my colleagues we would like a voice imperfect, indirect though that voice may be if unelected. At least they were appointed by the person most recently elected. At least the political makeup of this great body will be preserved. At least some of the most consequential decisions in the history of this country will be made under a model of checks and balances that, yes, Mr. Madison and Mr. Jefferson and Mr. Mason and the rest of the Founders found so essential.

Elections are sacred, but so, too, is representation. I would urge my colleagues to vote yes on the motion to recommit. Let us have a full and fair debate in the committee and bring back a still better bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LINDER), a member of the Committee on Rules.

(Mr. LINDER asked and was given permission to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, I thank the chairman for yielding this time, and I rise in opposition to the underlying resolution.

I will agree with the argument that the Founders could not have envisioned airliners being used as missiles against skyscrapers, or even the U.S. Capitol. I do not, however, subscribe to the theory that the Founders were unable to envision in their minds a terrorist attack with the ability to take the lives of Members of Congress en masse.

On November 5, 1605, 13 co-conspirators placed 36 barrels of gunpowder in a cellar beneath the British House of Lords with the intent of destroying the entire British parliament and killing King James I, who was charged with convening the legislative body on that day. Only through an anonymous letter and the quick action of a few members of Parliament was a British soldier named Guy Fawkes arrested minutes before he was to light a fuse that was designed to spur a revolution in England.

My point is that the Founders were cognizant that a terrorist attack on the government resulting in the deaths of scores of Members of Congress could occur. The Founders drew a great deal of our constitutionally-formed system of government from the British parliamentary system and English common law. They were perhaps the greatest political thinkers in history. Yet, despite this knowledge of British history and clear references in the Federalist Papers to the dangers of any effort that would deny the right of elected representation, there are those who

have argued today under the assumption that the Founders never contemplated such a situation.

Despite knowing that a surprising and devastating attack could befall this government, the Founders were adamant in their belief that under no circumstances were Members of the House to be selected by any means other than popular elections. Elections are the key events that connect the American people to their government, and these elections have a legitimacy no appointment process ever could.

Although we can all agree that an attack on this body would threaten the fabric of this country, that same fear should not drive us to weaken the very foundations upon which this Congress, as the Federal government's legislative branch, operates.

Federalist No. 52 says it best: "the right of suffrage is very justly regarded as a fundamental article of republican government. To have submitted it to the discretion of the states would have been improper . . . for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal government which ought to be dependent on the people alone."

In addition, I am concerned that the constitutional amendment before us today would not only override H.R. 2844, which already passed the House by an overwhelming vote of 306–97, but it would remove the Congressional authority to expedite special elections in emergencies under its existing Article I, Section 4, clause 1 authority. H.R. 2844, as passed by the House, is designed to ensure that the House can be repopulated by legitimate democratic means within 45 days after an attack causes multiple vacancies in the House.

The proposed constitutional amendment also includes a provision that states that "Congress may by law establish the criteria for determining whether a Member of the House of Representatives or Senate is dead or incapacitated . . ." I am quite concerned that this particular provision would deny the House its existing authority to address incapacitation by House Rules. This is an authority the House Rules Committee is already exercising. The provision of the constitutional amendment needlessly involves the Senate in how the House operates. By doing so, it would unfortunately make addressing continuity in government more difficult than it already is.

Mr. Speaker, and I continue to believe that government should neither exist nor change but with the express will of the people by whom and for whom it is created. I am hopeful that the prevailing will of this body will reflect that of our nation's Founding Fathers and will ultimately preserve its own popularly-elected nature by defeating this resolution.

With that Mr. Speaker, I urge my colleagues in the House to join me in voting against this resolution.

Ms. LOFGREN. Mr. Speaker, I yield 10 seconds to the gentleman from Washington (Mr. BAIRD) to make a correction.

Mr. BAIRD. Mr. Speaker, I apparently misspoke earlier when I mentioned it was the gentleman from Texas (Mr. SMITH) who expressed objection to my opportunity to speak in the Committee on the Judiciary. I regret that. There was a member of the majority. I thought it came from the gentleman from Texas (Mr. SMITH). I apparently was in error, and I apologize for the mistake.

Ms. LOFGREN. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE), a member of the Committee on the Judiciary when he is not busy as chairman of the Committee on Agriculture.

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to this resolution.

On April 22 of this year the House, overwhelmingly passed H.R. 2844 by a vote of 306 to 97, a measure introduced by the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, which would provide for the continuation of the House of Representatives in the event of a catastrophic loss of Members of the House. This legislation would also ensure that each Member of the House is elected, just as our Constitution mandates. Ensuring the election of Members of the House is the right approach for structuring legislation to provide for the continuity of government.

The direct election of Members of this body by the people is a fundamental principle established by the Founders of our Constitution. Specifically, the U.S. Constitution states, ''The House of Representatives shall be composed of Members chosen by the people of the several States. When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such vacancies.''

This was not what the Constitution provided for the other body, and ever after we have been known as the People's House. That principle would be severely eroded with the adoption of this resolution.

Congress has a duty to set forth procedures to ensure that the government continues to function in the event of a catastrophe. However, Congress also has a duty to protect the direct link to the people that has always characterized the House of Representatives. Especially during the aftermath of a catastrophic event, it is important that we prevent the possibility that the government could consist only of unelected officials.

I have some serious concerns about House Joint Resolution 83. Specifically, I am deeply concerned about the idea that every Member of this House would designate two or more other people to effectively shadow Members of Congress under somewhat secretive circumstances. I am also concerned that if one of these officials were appointed to Congress then that person would have an inherent advantage over anyone else in the subsequent election by reason of the implicit endorsement by the former Member of Congress. This provision would chip away at the premise that the people and only the people should have the authority to determine who their representative should be.

For these reasons, I urge the opposition of this resolution and urge Members of the House to vote no on House Joint Resolution 83.

Ms. LOFGREN. Mr. Speaker, I reserve my time.

Mr. SENSENBRENNER. Mr. Speaker, I am prepared to close debate if the gentlewoman from California will do so first.

Ms. LOFGREN. Certainly.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from California (Ms. LOFGREN) is recognized for 4 minutes.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

I think it is important that we have hearings in the Committee on the Judiciary to examine this subject matter. Several speakers have suggested that to have a constitutional amendment to provide for the temporary replacement of Members of the House so that we could have a Congress that acts before elections can be held would be the end of democracy. I think that we need to come to grips with the fact that if they kill us all, we have some bad choices. Here they are.

□ 1715

We can have an appointed government, because there is a line of succession to the Presidency, in the Senate there is a provision in the Constitution for their appointment, and no House of Representatives, which means that the appointed President would assume dictatorial powers. Or we could have a constitutional amendment that allows for the temporary appointment of Members of the House until special elections can be held so that the House is made up of elected representatives. I think those are the choices that face us.

Now, the American Enterprise Institute did a good thing. They put together a commission that looked at this whole issue, and here is what they said in their report: ''While some protections,'' they say, ''exist for reconstituting the Presidency, Congress would have a far more difficult time. It might not function well or at all. Ensuring the continuity of Congress is now a more pressing need than at any previous time in our history. According to two of the 9/11 plotters, the fourth plane that crashed in Pennsylvania was headed for the Capitol, and it is entirely conceivable the Congress will again be a target.''

It is interesting that although we have proceeded on pretty much a party-line basis in the discussion of this matter, not completely but almost completely, and it was certainly a party-line vote in the House Committee on the Judiciary, the commission itself was very bipartisan. The honorary cochairmen were President Jimmy Carter and President Gerald Ford. The cochairmen were Lloyd Cutler and former Senator Alan Simpson.

Tom Foley, the former Speaker, and Newt Gingrich, the former Speaker, who did not agree on a lot, agreed on this. Further, Bob Michel, who was the minority leader for so many years and is so well regarded, served on this commission with Leon Panetta, and they agreed as well that what we need is a constitutional amendment.

The alternatives to a constitutional amendment do not solve the problems of mass vacancy. They have a chapter indicating why special elections are helpful but not sufficient, and here is what they say: ''The President would act without a check, extra constitutionally in some cases, until Congress reconstituted itself. In addition, there is a possibility that a Congress of greatly reduced size would act, and that the vast majority of Americans could view this Congress as illegitimate. Shorter election cycles would not eliminate any of these problems but only slightly shorten their duration.''

They point out that ''clarifying the quorum requirement is not a solution.'' And they say, ''While the commission sees the value of clarifying the interpretation of the quorum requirement, it does not believe that making the requirement more lenient will ensure the constitutional continuity of Congress. Quite the opposite. A lenient quorum requirement might result in a small number of Members acting as the whole Congress and calling into question the legitimacy of congressional actions. The commission does favor a clarification of the quorum requirement, but not as a substitute for the constitutional amendment.''

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have debated this constitutional amendment for almost an hour and a half now. I think that the issue is very clear, and that is whether the House should maintain its function as a House that no one enters without first being chosen by the people, or whether there should be some procedure for the appointment of Members of the House should there be a catastrophe.

This is a philosophical difference, and it is a philosophical difference that no amount of hearings will be able to bridge. Maybe this constitutional amendment is improperly drafted, maybe it is not; but the thrust of the constitutional amendment is to allow the appointment of Members of the House of Representatives to act, supposedly in the people's name, when there is a national catastrophe of unspeakable proportions. Any action by appointed officials will lack the legitimacy of action by elected officials, and that is why I think it is important to reconstitute the House with people who come to Congress with a mandate from the people should there be a disaster that wipes out most of our government.

Now, let us look at what House Joint Resolution 83 proposes to do. It says that prior to taking the oath of office, every Member elected to the House shall designate at least two temporary successors and will send that list to the Governor.

Now, during a campaign, when candidates are running against each other, there is no way that candidates will be able to avoid telling the press and the public who they will name as temporary successors. And that would be a distraction that would take away from the issue of choosing a representative in Congress who, hopefully, will serve for the full 2-year term. And all kinds of extraneous issues, such as how much the temporary successor designee contributed or whether they have special interests and things like that, will end up becoming an ancillary, but very important, issue in the campaign and take the campaign's focus away from the issues that the candidates espouse in their platforms. And that would not be good for democracy at all.

Now, it puzzles me greatly that people who have said how important it is that we deal with this issue and deal with it properly are now attacking the Committee on the Judiciary and asking for a delay. On October 23 of last year, the author of this amendment, the gentleman from Washington (Mr. BAIRD), said ''The more urgent matter is to put the measure before the body.'' That is what is being done today, yet now I hear him and others saying, well, we need more hearings.

Well, Mr. Speaker, more hearings will just continue the debate on whether or not there should be appointed temporary successors or the House should maintain its tradition constitutionally of being entirely comprised of people who are elected by the voters of the various States.

The Continuity in Government Commission's report, which endorses appointed representatives, says ''The exact details of a solution are less important than that the problem be addressed seriously and expeditiously.'' Today we are debating that issue. We ought to send a clear message on whether this House wants to have temporary successors appointed, which will only be done by a constitutional amendment, or whether we want to continue our tradition of having people who come here to be elected.

I urge that the motion to recommit be voted down and that the amendment be voted down so we can show the people of America and the world what this House stands for and what it stands against. I ask for a ''no'' vote on the motion to recommit and a ''no'' vote on the constitutional amendment.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 657, the joint resolution is considered as having been read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read a third time.

MOTION TO RECOMMIT OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentlewoman opposed to the joint resolution?

Ms. LOFGREN. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Lofgren moves to recommit the joint resolution H.J. Res. 83 to the Committee on the Judiciary with instructions to conduct hearings on the subject matter of the joint resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LOFGREN) is recognized for 5 minutes in support of her motion.

Ms. LOFGREN. Mr. Speaker, in the 45 days after September 11, this House first met to show the American people that their Congress was still intact, and then we went to work.

On September 13, we provided for the expedited payment for public safety officers who were killed or suffered catastrophic injury; we passed on September 13 the Victims of Terrorism Relief Act, the Emergency Supplemental Appropriations Act; on September 14 we authorized the United States Armed Forces to take action against those responsible for the attacks; we adopted the Air Transportation Safety and Stabilization Act; we made appropriations; we adopted bills to combat terrorism and adopted the Financial Anti-terrorism Act, the Bioterrorism Enforcement Act, and the list goes on and on.

Those were important activities. And if there were no Congress, those either could not have occurred or the executive would have had to assume the legislative authority that is by Constitution vested with the Congress. And as has been stated before, the Congress cannot exist unless the House of Representatives exists.

Now, we know that the temporary appointments can only be made if we are to change the Constitution. And although some think this is a bad idea, what we are asking is that we have a thorough study of this whole subject in the committee of jurisdiction in the House Committee on the Judiciary.

There are many issues that we need to discuss. There are, as the commission pointed out, several approaches that can be made, a broad approach that delegates to the Congress the ability to provide for replacements by statute, or a prescriptive approach similar to the one promoted by the gentleman from Washington (Mr. BAIRD).

What is incapacitated? How do we define that? If there is an appointment, is that person eligible to run for reelection? And if they are serving because of incapacity, will they be replaced when the incapacitated Member resumes their abilities? Who would do the appointments: the courts? the Member?

the governor? the legislature of each State? These are many questions that need to be answered, and all of them should be studied.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD), the author of the amendment.

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

The reason I think we need to recommit this bill, and it is rare, I think, for an individual who has authored a bill to suggest a motion to recommit, because when I called for the discharge petition to bring this bill to the floor, it was not just this bill. I wanted to bring many different approaches so we could fully discuss it.

The fundamental question I would urge the chairman of the Committee on the Judiciary and its members and this body as a whole to consider is this: it is a fine thing to defeat this legislation, and I respect the judgments of the people who may choose to do so, but you have yet today, or in the prior discussion of the chairman's own bill, answered the question satisfactorily for the American people as to what happens during the 45 or 75 days. People continue to say, no one should ever serve in the House who was not elected. We would all prefer that that be the case. But you have never said clearly and unambiguously, with clear-cut constitutional justification, how our government runs without a House of Representatives. You have yet to do so. You have offered pleasantries, reassuring promises; but you have never said how the country runs.

Madison did want the representatives to be elected, but he wanted there to be representatives. The people back home want to have representatives. Who will choose to send your kids to war? Who will choose to protect your civil rights? Maybe you can just rely on someone you do not know, an unelected representative whom you do not know. Maybe you can rely on that. And if they send your kid to war wrongly or usurp your civil rights, you can take great reassurance that 75 days later you can impeach them, assuming that one of their actions in the interim has not been to somehow reduce your right to do that.

You are rolling the dice, my friends. You are rolling the dice, and you have not yet put in place a solution. Mine may not be perfect, it is not; but let us, please, have an opportunity to revisit this issue and answer that question.

Ms. LOFGREN. Mr. Speaker, I would ask only that we approach this on a bipartisan basis in the committee. We should hold hands and work on this as a team, not fighting each other on party-line votes.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, passing this motion to recommit will not serve to do anything but to continue a debate that has gone on for almost 45 years. In 1960, the Senate passed an amendment to allow for the appointment of House Members.

□ 1730

It was never voted on in the House of Representatives, and that was during the height of the Cold War when everybody was afraid that the Soviet Union would unleash a missile or massive numbers of bombers, and if we did not make it down to the bunker at the Greenbriar in West Virginia, the entire Congress would be wiped out. That was a crisis time, and the Congress did the right thing: It ignored what the Senate did in terms of appointment of House Members.

Sending this resolution back to committee is not going to change anybody's mind on whether replacement House Members should be appointed or elected. We ought to hit this issue directly on the nose and vote on the amendment after defeating the motion to recommit.

Now I am again very puzzled by the fact that many of the proponents of this amendment, including the Commission on Continuity in Government, and their spokesperson is Norman Ornstein of the American Enterprise Institute, have said that the problem should be addressed seriously and expeditiously. This is what we are doing today.

And the author of the resolution, who now wants to have more hearings, told Roll Call on October 23, 2003, that the more urgent matter is to put the measure before the body. The measure is before the body today. We ought to vote down the motion to recommit. We ought to have a clear vote on whether Members want to have temporary successors appointed or to preserve Madison's principle of having the People's House be elected by the people. It is time to stand up and be counted, not to have more hearings on the subject. Vote no on the motion to recommit and vote no on the joint resolution.

Mr. PAUL. Mr. Speaker, I rise in opposition to H.J. Res. 83, which amends the United States Constitution to allow appointed persons to fill vacancies in the House of Representatives in the event of an emergency. Since the Continuity of Government (COG) Commission first proposed altering our system of government by allowing appointed Members to serve in this body. I, along with other Members of Congress, journalists, academics, and policy experts, have expressed concerns that having appointed Members serve in the House of Representatives is inconsistent with the House's historic function as the branch of Congress most directly accountable to the people.

Even with the direct election of Senators, the fact that Members of the House are elected every 2 years while Senators run for statewide office every 6 years means that Members of the House of Representatives are still more accountable to the people than are members of any other part of the Federal government. Appointed Members of Congress simply cannot be truly representative. James Madison and Alexander Hamilton eloquently made this point in Federalists 52: ''As it is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured.''

Mr. Speaker, there are those who say that the power of appointment is necessary in order to preserve checks and balances and thus prevent an abuse of executive power. Of course, I agree that it is very important to carefully guard our Constitutional liberties in times of crisis, and that an over-centralization of power in the executive branch is one of the most serious dangers to that liberty. However, Mr. Speaker, during a time of crisis it is all the more important to have representatives accountable to the people making the laws. Otherwise, the citizenry has not check on the inevitable tendency of government to infringe on the people's liberties at such a time. I would remind my colleagues that the only reason we are reexamining provisions of the PATRIOT Act is because of public concerns that this act gives up excessive liberty for a phantom security. Appointed officials would not be as responsive to public concerns.

Supporters of this plan claim that the appointment power will be necessary in the event of an emergency and that the appointed representatives will only serve for a limited time. However, the laws passed by these ''temporary'' representatives will be permanent.

Mr. Speaker, this country has faced the possibility of threats to the continuity of this body several times throughout our history, yet no one suggested removing the people's right to vote for Members of the House of Representatives. For example, when the British attacked the city of Washington in the War of 1812 nobody suggested the States could not address the lack of a quorum in the House of Representatives though elections. During the Civil War, Virginia which borders Washington, DC, and where today many Capitol Hill staffers reside and Members stay when Congress is in session, was actively involved in hostilities against the United States Government, yet President Abraham Lincoln never suggested that non-elected persons serve in the House.

Adopting any of the proposals to deny the people the ability to choose their own representatives would let the terrorists know that they can succeed in altering our republican institutions. I hope all my colleagues who are considering supporting H.J. Res. 83 will question the wisdom of handing terrorists a victory over republican government.

The Constitution already provides the framework for Congress to function after a catastrophic event. Article I Section 2 grants the governors of the various States authority to hold special elections to fill vacancies in the House of Representatives. Article I Section 4 gives Congress the authority to designate the time, manner, and place of such special elections if states should fail to act expeditiously following a national emergency. As Hamilton explains in Federalist 59, the ''time, place, and manner'' clause was specifically designed to address the kind of extraordinary circumstances imagined by the supporters of H.J. Res. 83. Hamilton characterized authority over Federal elections as shared between the

States and Congress, with neither being able to control the process entirely.

Last month, this body fulfilled its Constitutional duty by passing H.R. 2844, the Continuity of Representation Act. H.R. 2844 exercises Congress's power to regulate the time, place, and manner of elections by requiring the holding of special elections within 45 days after the Speaker or acting Speaker declares 100 or more Members of the House have been killed. This proposal protects the people's right to choose their representatives at the time when such a right may be most important, while ensuring continuity of the legislative branch.

In conclusion, I call upon my colleges to reject H.J. Res. 83, since it alters the Constitution to deny the people's right to elect their representatives at a time when having elected representation may be most crucial.

Mr. HOLT. Mr. Speaker, I rise in opposition of this amendment.

The Founding Fathers designed the House of Representatives to guarantee the preferences and will of the people was represented. They included provisions in the Constitution, such as a 2-year term of office and requiring that vacancies be filled in all events by a special election, to ensure that the Members serving in this Chamber would be held directly accountable to the people.

Although the 17th amendment expanded this ideal of representation by requiring Senators to be directly elected by citizens of their State, it still permitted the use of appointments to fill vacancies. Therefore, the unique nature of the House of Representatives remained intact and to this day no Member has ever entered this body except by the mandate and popular vote of his or her constituents.

The stark realities of the 21st century, where terrorists seek to destroy our Nation and the incapacitation of a large portion of this Chamber is no longer inconceivable, require us to reexamine the continuity of our government. However, I believe that even in a terrorist attack or other catastrophe enough Members would survive to conduct the business of the Congress. The small probability that no Members would survive to serve does not warrant amending the Constitution to circumvent the electoral process. Suffrage is fundamental to the success of our democracy, and it must be protected even in times of crisis and uncertainty.

I urge my colleagues to vote against this amendment.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of the efforts of our colleague Representative BRIAN BAIRD to secure House consideration of the issue of amending the Constitution of the United States to ensure the continuity of Congress. I had hoped for hearings on this critical issue in the Judiciary Committee, followed by ''regular order'', and I had hoped for consideration of a number of Constitutional amendments sponsored by Members of the House, including H.J. Res. 89, which I introduced. One subcommittee hearing conducted 2 years ago does not really do this subject justice.

Many Members were looking for an opportunity to use the normal legislative process to develop and perfect their proposals regarding the continuity of the House, relying on the collective wisdom of the Members, and input from constituents. Such a discussion could have helped to educate both Members and the public on the importance of a Constitutional amendment. But because the truncated process foreclosed on that option, I did not submit my joint resolution to the Rules Committee.

Should the opportunity arise, I will vote to recommit this joint resolution to the Judiciary Committee, in the hope that there can be an open discussion, and broad debate on the matter. And I will vote for Rep. BAIRD's amendment, H.J. Res. 83, on final passage, in the hope that all Members who support the concept of a Constitutional amendment, will similarly express themselves on the worthiness of that objective, even though we may differ about which amendment would best serve this Nation. For I think this issue will arise again, and perhaps there will be an opportunity in the next Congress to more fully discuss and debate the issue. Sen. CORNYN's proposed Constitutional amendment is making its way through the Senate, so the issue is bound to arise again in some form.

While I believe the need for a Constitutional amendment is self-evident, I understand other Member's reservations about tinkering with the Constitution. Nonetheless, I have yet to hear a satisfactory answer to the question of what the Legislative Branch—not just the House—could constitutionally do in the weeks or months following an attack, if deaths and incapacitation left either chamber bereft of a quorum, incapable of legislating, or so unrepresentative as to deligitimize any actions it might take.

H.R. 2844, the ''Continuity of Representation Act'', which passed in April, and which called for special elections within 45 days after a certain number of vacancies occurred in the House, did not address that question. I think we need to be realistic about the consequences of a non-functional Legislative Branch at what is likely to be the most critical juncture in our Nation's history.

And I would like to put to rest the notion that the continuity of Congress debate is in any way partisan. There is no partisan content whatsoever to this issue. Neither Republicans nor Democrats are advantaged or disadvantaged by any of the ideas we are discussing. The vote on H.R. 2844 should have put that notion to rest, when a majority of Democrats voted for the bill, joining all but a handful of Republicans.

Members will no doubt recall that in the days and weeks following September 11, 2001, the House passed numerous pieces of vital legislation, which allowed the government to function both in war, and in furtherance of domestic policy goals. We did not hand out a ''closed for business—trust the Executive'' sign. We exercised the checks and balances essential to a stable and mature democracy, and we got the job of legislating done in record time.

In the absence of a Constitutional amendment, there is the sad prospect that the National could be governed by either martial law, or by other extra-Constitutional actions by the Executive, of potentially dubious legal status. This would be happening at the most critical time in the Nation's history, since that would be the only means left to run the government without a functioning Legislative Branch. And that would trample upon one of the core principles of the Framers of our Constitution—our system of checks and balances.

The Framers feared a powerful executive. And in the early days of our Republic, the office of President was fairly weak. However it has grown stronger over time, as the institutions of government have evolved, and as the Nation's needs have changed. The essential roles of Congress includes restraining the Executive, and that role remains paramount in maintaining our democracy today.

We cannot predict how the Executive, claiming potentially dictatorial powers, will operate in the absence of a functioning Legislative Branch, or whether such actions will withstand legal challenge. But we do know how to prevent this situation from ever occurring. We need only to remove our heads from the sand, and take the proper steps to legally address the issue under the Constitution.

While it is essential that we protect the ''people's House'' by populating it with popularly elected representatives from the 50 states, it is also essential that we protect the ''people's interests'' by taking action to prevent the Legislative Branch from ever being shut down for weeks and months following a catastrophic event.

I want to take a moment to discuss my own proposal, which I believe is less cumbersome and more straightforward than some of the other concepts. It would provide for the appointment of temporary Members of the House by state legislatures or, in some instances, by state governors, to serve pending the filling of vacancies through special elections. I think this procedure would be less cumbersome than using lists of potential successors which Members would have to create each and every time they ran for office. In the next Congress, I might consider leaving the appointment power to governors alone.

My amendment would require that all temporary replacements be from the same political party as the Members they succeeded, and that their tenure cease as soon as a popularly elected successor presents credentials to the House. I look forward to future hearings to debate that aspect of the proposal, since issues have been raised as to how someone's party affiliation can be determined in some states.

The amendment would also bar the temporary replacements from seeking office in the next election for the House, in order to ensure that they focus on representing their new constituencies, and coping with the emergency, rather than creating fund-raising committees and filming television commercials.

The subject is also deserving of significant debate, since I know some have argued that temporary replacements should have the right to present themselves to the public for election in our democratic system. I believe, however, that during a crisis following a potential attack, it is more important to keep the government running, and there is nothing in my amendment which would bar these temporary replacements from running at a future time, after they have finished discharging the responsibilities of the office to which they were appointed.

My proposed Constitutional amendment also addresses the complex subject of incapacity, by giving Congress the power, by law, to address it. The issue is better suited to examination in a law-making, or rule-making process, rather than to being specified in detail in the Constitution. As ranking member of the House Administration's Committee, which has jurisdiction over the incapacity question, I hope to press for Committee debate on the subject.

Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD, the text of H.J. Res. 89, and a section-by-section summary of the resolution, and yield back the balance of my time.

H.J. RES. 89

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. A smaller number than the majority of the House may resolve that a vacancy exists in the majority of the number of seats of the House of Representatives provided by law.

''SECTION 2. After the adoption of a resolution under section 1, the legislature of any State in which a vacancy in the membership of the House of Representatives exists shall convene a special session to appoint an individual to fill the vacancy.

''SECTION 3. If the legislature of a State does not convene a special session under section 2 during the 5-calendar day period which begins on the day after the date the House adopts the resolution described in section 1, or if the legislature convenes a special session during such period but does not appoint an individual to fill a vacancy in a seat during the 3-calendar day period which begins on the date the legislature convenes the special session, the chief executive of the State shall appoint an individual to fill the vacancy.

''SECTION 4. An individual appointed under this article shall meet the qualifications for service as a Member of the House of Representatives, and shall serve as a Member until an election is held to fill the original vacancy. The State shall provide for such an election at such time and in accordance with such procedures as may be provided by law, except that the individual appointed under this article may not be a candidate in the next election for the House. An individual appointed under this article shall be a member of the same political party as the Member of the House who previously held the seat.

''SECTION 5. The procedures and requirements described in sections 2 through 4 shall apply only with respect to a vacancy existing as of the date of the adoption of the resolution described in section 1 or a vacancy first occurring during the 20-calendar day period which begins on such date. In the case of a vacancy first occurring during such 20-calendar day period, section 3 shall apply as if the reference to the date on which the House adopts the resolution described in section 1 were a reference to the date on which the vacancy first occurs.

''SECTION 6. For purposes of carrying out the provisions of this article, Congress shall have the power by law to specify circumstances constituting when a vacancy happens in the Representation from any State in the House of Representatives, and to address the incapacity of Members of the House of Representatives.

''SECTION 7. Congress shall have power to enforce this article through appropriate legislation.''.

SUMMARY OF HOUSE JOINT RESOLUTION 89, A CONSTITUTIONAL AMENDMENT INTRODUCED BY REPRESENTATIVE JOHN B. LARSON TO ALLOW TEMPORARY APPOINTMENTS TO FILL VACANCIES IN THE HOUSE OF REPRESENTATIVES

Section 1. A smaller number than a majority of the House may resolve that a vacancy exists in the majority of the number of seats in the House provided by law, triggering the temporary appointment provisions.

Section 2. The legislature of any state in which House vacancies exist shall then convene a special session to appoint persons to temporarily fill the vacancies.

Section 3. If the state legislature does not convene within five calendar days after passage of the House resolution, or if the legislature does not complete selection of temporary House Members within a period of three calendar days beginning on the date of convening, the governor is required to make the appointments.

Section 4. Members serving temporarily in the House by appointment must meet the constitutional requirements for service in the House, and will exercise the full powers of membership until the vacancies are filled by election as provided by law. A temporary Member may not be a candidate in the succeeding election and must be of the same political party as the Member who previously held the seat.

Section 5. The temporary appointment authority applies to vacancies which exist at the time of adoption of the resolution by the House, or to any additional vacancies which occur within 20 days thereafter. If vacancies occur within this 20-day period, the time limits relating to action by the state legislatures and governors begin again with respect to those House seats.

Section 6. For the purposes of this article, Congress shall have the power by law to specify circumstances constituting when a vacancy happens in the House, and to address the incapacity of Members of the House.

Section 7. Congress shall have the power to enforce this article through appropriate legislation.

The article would become part of the Constitution if ratified by the legislatures of three-fourths of the states within seven years of the date of its submission to them.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. LOFGREN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes, as ordered, on the question of passage on each of three motions to suspend the rules on which proceedings were postponed yesterday and earlier today.

The vote was taken by electronic device, and there were—ayes 194, noes 221, not voting 18, as follows:

[Roll No. 218]

AYES—194

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Cooper
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood

Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Ballance
Bereuter
Carson (OK)
Conyers
Costello
Cummings
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
McCarthy (NY)
Nadler
Napolitano
Pickering
Stark
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1756

Ms. GINNY BROWN-WAITE of Florida and Messrs. JOHNSON of Illinois, SHERWOOD, HEFLEY, BEAUPREZ and BRADY of Texas changed their vote from ''aye'' to ''no.''

Mr. TANNER and Mr. PASCRELL changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the joint resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 63, nays 353, answered ''present'' 2, not voting 15, as follows:

[Roll No. 219]

YEAS—63

Baird
Bell
Berkley
Blumenauer
Brown (OH)
Capuano
Case
Chandler
Crowley
Davis (TN)
DeFazio
Dicks
Dooley (CA)
Engel
Eshoo
Evans
Frost
Gephardt
Gutierrez
Hastings (FL)
Hinchey
Honda
Hooley (OR)
Inslee
Jones (OH)
Kennedy (RI)
Kilpatrick
Langevin
Larsen (WA)
Larson (CT)
Lowey
Lucas (KY)
Matheson
McCollum
McInnis
Meeks (NY)
Miller (NC)
Miller, George
Oberstar
Pascrell
Payne
Pelosi
Rangel
Rohrabacher
Rothman
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Schakowsky
Schiff
Sherman
Slaughter
Smith (WA)
Souder
Strickland
Tauscher
Towns
Udall (CO)
Vitter
Watson
Waxman
Weiner

NAYS—353

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
English
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

Jackson-Lee (TX)
Watt

NOT VOTING—15

Ballance
Carson (OK)
Conyers
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
McCarthy (NY)
Nadler
Napolitano
Stark
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1805

Mr. EDWARDS, Ms. ROS-LEHTINEN, and Mrs. BONO changed their vote from ''yea'' to ''nay.''

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. NAPOLITANO. Mr. Speaker, on rollcall No. 218 and 219, had I been present, I would have voted ''yea.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, proceedings will resume on three motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S.J. Res. 28, by the yeas and nays;

H. Con. Res. 413, by the yeas and nays; and

H.R. 4109, by the yeas and nays.

The vote on H.R. 3866 will be taken tomorrow.

These will be 5-minute votes.

RECOGNIZING 60TH ANNIVERSARY OF ALLIED LANDING AT NORMANDY DURING WORLD WAR II

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate joint resolution, S.J. Res. 28.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. RYUN) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 28, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 220]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Ballance
Carson (OK)
Conyers
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
McCarthy (NY)
Nadler
Stark
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1814

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING CONTRIBUTIONS OF WOMEN, SYMBOLIZED BY ''ROSIE THE RIVETER,'' WHO SERVED ON THE HOMEFRONT DURING WORLD WAR II

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 413.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 413, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 16, as follows:

[Roll No. 221]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey

Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Ballance
Carson (OK)
Conyers
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Gordon
Gutierrez
McCarthy (NY)
Nadler
Stark
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1821

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SIMPLE TAX FOR SENIORS ACT OF 2004

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4109, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. FOLEY) that the House suspend the rules and pass the bill, H.R. 4109, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 222]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
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Hall
Harman
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Hastings (FL)
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Hayes
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Hooley (OR)
Hostettler
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Hulshof
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Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
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King (IA)
King (NY)
Kingston
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Kleczka
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Knollenberg
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Langevin
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Larsen (WA)
Larson (CT)
Latham
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Lewis (CA)
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Lewis (KY)
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Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
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McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
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Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
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Sherman
Shimkus
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Simmons
Simpson
Skelton
Slaughter
Smith (MI)
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Snyder
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Spratt
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Turner (OH)
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Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
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Watson
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Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Ballance
Carson (OK)
Costello
Davis (FL)
DeGette
DeMint
Deutsch
Emerson
Gordon
McCarthy (NY)
Nadler
Sherwood
Stark
Tauzin
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1832

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to allow seniors to file their Federal income tax on a new Form 1040S.''.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which a vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

CONDEMNING THE CRACKDOWN ON DEMOCRACY PROTESTORS IN TIANANMEN SQUARE, BEIJING, IN THE PEOPLE'S REPUBLIC OF CHINA ON THE 15TH ANNIVERSARY OF THAT TRAGIC MASSACRE

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 655) condemning the crackdown on democracy protestors in Tiananmen Square, Beijing, in the People's Republic of China on the 15th anniversary of that tragic massacre.

The Clerk read as follows:

H. RES. 655

Whereas the United States was founded on the principle that all men and women are created equal and entitled to the exercise of their basic human rights;

Whereas freedom of expression, assembly, association, and religion are fundamental human rights that belong to all people and are recognized as such under the United Nations Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Whereas the horrific events of June 3–4, 1989, in Tiananmen Square, Beijing, in the People's Republic of China, reminded the world that these universal human rights are denied to the citizens of the most populous nation on earth by the Communist Party that rules in China;

Whereas in recent days the Communist Government of China has stepped up harassment of the relatives of people who lost their lives in the 1989 crackdown on democracy protestors in Tiananmen Square, in an apparent effort to control dissent ahead of the 15th anniversary of that tragic massacre;

Whereas in recent weeks China's Communist Party leaders have been working to eliminate the residual influence of Zhao Ziyang, who was purged as Communist Party chief for opposing the 1989 crackdown on the Tiananmen protests, and are trying to erase his name from history;

Whereas Zhao was last seen in public on May 19, 1989, when he tearfully begged student protesters to leave Tiananmen Square, and was then promptly put under house arrest and purged;

Whereas the Communist Government of China declared martial law the next day and troops backed by tanks crushed the student movement on June 3–4, 1989;

Whereas the demonstrations in Tiananmen Square were the manifestation of a democratic movement that had begun to spread across China following the death of the former General Secretary of the Communist Party of the People's Republic of China on April 15, 1989, and that had given rise to peaceful protests throughout China calling for the establishment of a dialogue with government and party leaders on democratic reforms, including freedom of expression, freedom of assembly, and the elimination of corruption by government officials;

Whereas after that date thousands of pro-democracy demonstrators continued to protest peacefully in and around Tiananmen Square in Beijing until June 3 and 4, 1989, when Chinese authorities ordered the People's Liberation Army and other security forces to use lethal force to disperse demonstrators in Beijing, especially around Tiananmen Square;

Whereas the report of the Chinese Red Cross on June 7, 1989, and the United States Department of State Country Reports on Human Rights Practices for 1989, gave various estimates of the numbers of people killed and wounded in 1989 by the People's Liberation Army soldiers and other security forces, and it is now believed by many that thousands were killed;

Whereas 20,000 people nationwide suspected of taking part in the democracy movement were arrested and sentenced without trial to prison or reeducation through labor, and many were reportedly tortured;

Whereas the Communist Government of China continues to suppress dissent by imprisoning pro-democracy activists, journalists, labor union leaders, religious believers, and other individuals in China and Tibet who seek to express their political or religious views in a peaceful manner;

Whereas credible sources estimate that the Communist Government of China continues to imprison as many as 2,000 Tiananmen Square activists, such as Yang Jianli, and denies such activists their basic human rights, such as access to legal counsel, contact with their families, and trials within reasonable times;

Whereas security agents of the People's Republic of China have detained Chinese citizens who were planning activities to commemorate the 15th anniversary of the Tiananmen Square massacre, including the preparation of a video for presentation at this year's United Nations Human Rights Commission meeting in Geneva on the deaths of their relatives and other victims who perished in Tiananmen Square;

Whereas coincident with the 15th anniversary of the Tiananmen Square massacre, the Communist Government of China has frustrated the efforts of Chinese citizens in Hong Kong to establish a gradual and orderly process toward universal suffrage and the democratic election of the legislature and chief executive in Hong Kong as promised at the time of the reversion of Hong Kong to China in 1997 and as envisioned by the Basic Law of the Hong Kong Special Administrative Region;

Whereas despite an unprecedented public protest in Hong Kong on July 1, 2003, reminiscent of protests in Beijing shortly before June 4, 1989, the Standing Committee of the National People's Congress of the People's Republic of China declared on April 26, 2004, that universal suffrage would not apply to the selection of the Chief Executive in Hong Kong in 2007 or to the selection of members of the Legislative Council in Hong Kong in 2008; and

Whereas June 4, 2004, is the 15th anniversary of the date of the Tiananmen Square massacre: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses sympathy to the families of those killed, tortured, and imprisoned as a result of their participation in the democracy protests of June 3–4, 1989, in Tiananmen Square, Beijing, in the People's Republic of China, and to all those persons who have suffered for their efforts to keep that struggle alive during the past 15 years, and to all the people of China who lack fundamental human rights;

(2) commends all persons who are peacefully advocating for democracy and human rights in China;

(3) calls upon those nations participating in the 2008 Olympic Games in Beijing to use opportunities created by the Games to urge China to fully comply with the United Nations Declaration on Human Rights;

(4) calls upon the Communist Government of China, its National People's Congress, and any other groups appointed by the Communist Government of China to honor its pledge of a ''high degree of autonomy'' made at the time of the Hong Kong reversion in 1997, by permitting immediate elections for the Legislative Council of Hong Kong according to rules approved by the Hong Kong people through an election-law convention, referendum, or both, and by leaving all revisions of Hong Kong law to a legislature elected by universal suffrage; and

(5) condemns the ongoing and egregious human rights abuses by the Communist Government of China and calls on that Government to—

(A) reevaluate the official verdict on the June 4, 1989, Tiananmen pro-democracy activities and order formal investigations into the reported killing, torture, and imprisonment of democracy activists with the goal of bringing those responsible to justice;

(B) establish a June Fourth Investigation Committee, the proceedings and findings of which should be accessible to the public, to make a just and independent inquiry into all matters related to June 4, 1989;

(C) release all prisoners of conscience, including those persons still in prison as a result of their participation in the peaceful pro-democracy protests of 1989, provide just compensation to the families of those killed in those protests, and allow those exiled on account of their activities in 1989 to return and live in freedom in China; and

(D) release Dr. Yang Jianli, an organizer of the Tiananmen Square protests of 1989, who has been illegally detained incommunicado by the Communist Government of China since April 26, 2002, and whose wife and 2 children are United States citizens, and put an immediate end to the harassment, detention, and imprisonment of all Chinese citizens exercising their legitimate freedoms of expression, association, and religion.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to the

gentlewoman from California (Ms. PELOSI), the Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me time and for his exceptional service and leadership as chair of the Human Rights Caucus of the House. I also want to acknowledge the great work and leadership of the gentleman from New Jersey (Mr. SMITH). He has been a champion for human rights, and it has been my privilege to work with him over the years to promote international human rights. I thank him for his accommodation this evening.

Mr. Speaker, the forward march of freedom has often been advanced by brave souls who defied the powers of their day to demand the liberties and human rights to which all people everywhere are entitled.

This week the world pays tribute to the brave souls of Tiananmen Square who 15 years ago stood up for freedom, only to be met with a hail of bullet and a new era of repression.

Mr. Speaker, I am pleased to join with my colleague, the gentleman from California (Mr. COX), as well as the distinguished chairman, the gentleman from New Jersey (Mr. SMITH), and our ranking member, the gentleman from California (Mr. LANTOS) in sponsoring this resolution that remembers and reaffirms.

We remember the courage of the heroes of Tiananmen, and we reaffirm our Nation's commitment to the principles of freedom and democracy of which they dreamed. In doing so, this resolution keeps alive the spirit of Tiananmen Square. The spirit of Tiananmen lives in the hearts of all freedom-loving people.

We remember how millions of ordinary students, workers and citizens marched in peace. How they raised the Goddess of Democracy and the image of our own Statue of Liberty. How they quoted our own Founding Fathers. We remember with sadness and outrage how the so-called People's Liberation Army was unleashed on its own defenseless people, slaughtering thousands and searing into our consciences forever one of the most enduring images of the 25th century, the picture of a lone man before a tank, bringing a line of tanks to a grinding halt.

Fifteen springs later, the spirit of Tiananmen lives on in the prison cells across China. Today, we once again call on Beijing to release the thousands of Tiananmen activists held to this day and all the prisoners of conscience whose only crime was to demand their basic human rights. The spirit of Tiananmen lives on in the exiles who fled their beloved homeland and who today carry on the struggle. In San Francisco, which I have the privilege of sharing representation with the gentleman from California (Mr. LANTOS), we are proud that many of these talented young people have enriched our community. But even as we observe their celebrations to our Nation, we work for a day when they may return if they so choose to their own nation, a free and democratic China.

For too long the United States has pursued a policy of trickle-down liberty. First, economic freedom and then they said political freedom will follow. The 15 years since Tiananmen have exposed this policy as the illusion that it is. For a billion Chinese, freedom remains a dream deferred. After all these years, journalists, activists, academics, workers and religious believers are still persecuted and, Mr. Speaker, tortured. As this 15th anniversary nears, Beijing is still harassing and arresting dissidents and families of the Tiananmen victims. Meanwhile, Chinese elites are enriched by global trade. And despite more than a decade of concessions from Washington, our trade deficit with China has grown from $2 billion a year to over $2 billion a week, to a dangerous $124 billion a year.

The highest tribute we could pay on this anniversary would be to use our political and economic influence to advance the reforms advocated 15 years ago.

Finally, the spirit of Tiananmen lives on in the hearts of the Chinese people, especially those in Hong Kong who have tasted freedom. In taking to the streets to demand democracy, the brave people of Hong Kong have been a stirring example to the world. On this anniversary, U.S. resolve in facing Beijing would send a clear message to democratic reformers throughout Asia. Democracy in Asia is as crucial there as it is in the rest of the world.

So it is that the spirit of Tiananmen endures and inspires. Tanks and troops may crush a protest, but they can never extinguish the flame of freedom that burns in every human heart.

Mr. Speaker, on this day with this resolution we say to the people of China, including the people of Hong Kong and freedom-loving people everywhere, your cause is our cause. We will never forget. We will never forget. And in doing so we reaffirm our commitment to a common dream: the day when the world's most populous nation can at last be called the world's largest democracy.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman for her comments and for her leadership on this, and the prime sponsor of this resolution, the gentleman from California (Mr. COX). The Cox-Pelosi resolution before us is extremely important and very timely.

Mr. Speaker, in December of 1996 here in Washington, at the invitation of President Bill Clinton, General Chi Haotian, the Defense Minister of the People's Republic of China, the general who was the operational commander of the soldiers who slaughtered pro-democracy demonstrators in and around Tiananmen Square in June of 1989, said, ''Not a single person lost his life in Tiananmen Square.'' According to General Chi, the Chinese Army did nothing more violent than, and I quote him, ''pushing of people.''

General Chi not only met with Mr. Clinton in the White House but was accorded full military honors, including a 19-gun salute and visits to military bases. Rather than getting the red carpet, Mr. Speaker, I would respectfully submit that General Chi should have been held to account for his crimes against humanity.

Mr. Speaker, to counter the big lie that he proffered right here in Washington, D.C., I quickly put together and chaired a hearing of eyewitnesses to Tiananmen Square, to the massacre, including several Chinese, a former editor of the People's Daily, and Time Magazine's Beijing bureau chief. We also invited General Chi or anyone else to testify before our committee from the government of China. They were no shows, although we left a chair for them.

One of our witnesses, a man by the name of Xuecan Wu, the former editor of the People's Daily, was singled out by Li Peng for punishment and got 4 years in prison for trying to tell the truth to his readers in Beijing. Mr. WU called General Chi's lie about no one being killed ''shameless'' and told my subcommittee that he personally saw at least, and I quote him here, ''at least 30 carts carrying dead and wounded people.''

Eyewitness Jian-Ki Yang, Vice President of the Alliance for a Democratic China, testified, and I quote, ''I saw trucks of soldiers who got out and started firing automatic weapons at the people. Each time they fired the weapons, three or four people were hit, and each time the crowd went down to the ground. We were there for about an hour and a half. I saw 13 people killed. We saw four tanks coming from the square, and they were going very fast at a very high speed. The two tanks in front were chasing students.''

Imagine that, Mr. Speaker, tanks chasing students.

He went on to say, ''They ran over the students. Everyone was screaming. We counted 11 bodies.''

Mr. Speaker, Time Magazine's David Aikman, another eyewitness said, and I quote, ''Children were killed holding hands with their mothers. A 9-year-old boy was shot seven or eight times in the back, and his parents placed the corpse on a truck and drove through the streets of northwest Beijing on Sunday morning. 'This is what the government has done,' the distraught mother kept telling crowds of passersby through a makeshift speaker system.''

Mr. Aikman went on to say in his testimony that ''officials at the Chinese Red Cross reported 2,600 people dead, but then they too were ordered to keep silent and to deny that they had ever given out such figures.''

Today, Mr. Speaker, 15 years after Tiananmen Square, after a brutal massacre, the Chinese government perpetuates General Chi's Orwellian fabrication that no one died. It is now clear that thousands died and approximately 7,000 were wounded. Fifteen years after Tiananmen Square, some 2,000 people remain incarcerated for peacefully advocating human rights. To be jailed by the Chinese, as we all know, means torture, humiliation, and severe deprivations.

Mr. Speaker, in the early 1990s, the gentleman from Virginia (Mr. WOLF) and I visited Beijing Prison Number 1, a bleak gulag where 40 Tiananmen Square prisoners were being unjustly detained. We saw firsthand the price paid by brave and tenacious individuals for peacefully petitioning their government for freedom. And it was not pretty. They looked like the walking skeletons of Auschwitz.

Mr. Speaker, we do not know how many of those are still languishing in prison. Some, perhaps all of them, are still there; but of the 20,000 originally arrested and detained, like I said, approximately 2,000 continue in the gulags and in the Laogai of China.

Mr. Speaker, let me say that, despite the hopes and expectation of some that robust trade with China would usher in at least a modicum of respect for human rights and fundamental liberties, the simple fact of the matter is that the dictatorship in China oppresses, tortures and mistreats millions of its own citizens. Moreover, China is the land of the one-child-per-couple policy, a barbaric policy that makes brothers and sisters illegal. Forced abortion, force sterilization and ruinous fines are routinely deployed to ensure compliance with this Draconian and utterly cruel family planning policy.

Mr. Speaker, according to the U.S. Department of State, the government's human rights record remains poor. They start off with that in this year's report. And the government continues, the State Department goes on to say, to commit numerous and serious abuses. The Country Reports of Human Rights Practices also went on to say that there was backsliding. It was already bad and now it is even getting worse, and the word backsliding was used. And abuses including killing, torture, mistreatment of prisoners and forced confessions are among those that have gotten worse.

Finally, let me say in April the Chinese government openly gloated over the defeat once again of a U.S.-sponsored resolution at the U.N. Human Rights Commission. I would say parenthetically, given the makeup of the Commission, the outcome came as no surprise. Rogue nations proliferate and are all over that Commission. They make a beeline for that Commission to mitigate human rights adherence and enforcement and bringing rogue nations to confront these abuses.

In one stunningly absurd statement, Chinese Ambassador Sha Zukang said the U.S. proposal and the resolution was done out of, and this is his words, ''disappointment and jealousy.''

I would just like to say to the Chinese government and to Ambassador Sha Zukang, we proposed it because we care and we are in solidarity with the oppressed and we want to hold the oppressor to account. Disappointment and jealousy? I do not think so. This is all about trying to help those who are under the cruel boot of the Chinese dictatorship.

Mr. Speaker, I participated in the meetings in Geneva, and I confronted the Chinese leadership in an open forum. I have to say they were amazingly inept, and they were unprofessional. All they could do during the course of the debate was to deny, to deny, and to deny and to question our motives. And then, when things were not going well for them, they abruptly ended the meeting.

Mr. Speaker, someday the good and honorable people of China will live in freedom; and I believe the martyrs of Tiananmen who have suffered unspeakable horrors at the hands of a government and were jailed and were wounded and murdered will be even more revered and honored for their sacrifice than they are today. This resolution honors those courageous champions of freedom and democracy. I urge its passage.

Mr. Speaker, I reserve the balance of my time.

□ 1845

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Let me first pay tribute to my good friend, the gentleman from New Jersey (Mr. SMITH), who has been such an indefatigable fighter for human rights across the globe and particularly with respect to China and Tibet.

Let me also recognize the enormous contributions to this fight of the gentlewoman from California (Ms. PELOSI), the Democratic leader, my friend and neighbor and colleague, representing San Francisco, and our distinguished colleague, the gentleman from California (Mr. COX).

Listening to my friend from New Jersey, I am reminded of a picture I have in my office as one enters, and that picture, one of the most precious photos of all times, shows a lone young Chinese man standing up to a line of tanks, defying totalitarian tyranny with courage and devotion to the principles that our Constitution was built on.

Mr. Speaker, 15 years ago today, China's senior leaders huddled behind the walls of their compound near the Forbidden City. They had a critically important decision to make, whether to reach out to the students and workers gathered in Tiananmen Square and address their concerns about party corruption and lack of democracy or seek to squash the movement with force, if necessary.

Sadly for the cause of freedom and justice and for the lives of thousands of young Chinese citizens, the leadership of China made the wrong decision. Instead of entering into a meaningful dialogue with those gathered in the Square, they launched a brutal crackdown on the democracy movement, killing thousands and imprisoning many more.

China's leaders hoped that the world would forget the tragedy of Tiananmen Square, but fortunately for the cause of truth the victims of Tiananmen had mothers, mothers who have kept alive the memory of their slain children and demanded an apology from their government.

For the past 10 years, Mr. Speaker, the Tiananmen Mothers Campaign has worked to document the brutal 1989 crackdown by collecting the names of real victims and recording their individual stories. In the face of enormous pressure from the Chinese Government, the Tiananmen Mothers have respectfully requested a government investigation into the massacre and a formal apology for this gross violation of human rights. For their bravery alone, these women deserve the Nobel Peace Prize, which I earnestly urge the Nobel Committee to award them.

The Chinese Government has responded by putting the Tiananmen Mothers under house arrest and prohibited them from marking the June 4 anniversary in an appropriate manner. Once again, the government has made a shortsighted decision, repression, not dialogue.

I am proud, Mr. Speaker, that the Congress of the United States stands today united with the victims of the Tiananmen massacre and with the families of the victims who will one day be feted as heroes in a free and democratic China. I wish that Europe would stand with the Tiananmen victims as well.

Instead, the European Union is running headlong towards lifting the arms embargo it imposed on China, along with the United States, after the Tiananmen killings. In their desperate quest to earn some euros from the arms trade, France and Germany are pressuring the rest of the European Union to open the floodgates of weapons sales to China.

Mr. Speaker, the weapons that the Europeans will sell to the Chinese will be used to intimidate those who wish to speak out for freedom and to kill those who refuse to be intimidated. These weapons may also be used against American forces some day if we are ever called on to defend Taiwan against an unprovoked attack by the mainland.

Mr. Speaker, the member states of the European Union appear to have lost their moral compass; and they have forgotten that developed, democratic nations must make policy decisions which benefit human rights and international security but may harm mercantile interests back at home. It is my hope that this June 4th the European Union remembers those who were sacrificed in and around Tiananmen

Square 15 years ago and will refuse to yield to Chinese pressure.

With passage of our resolution, we will tell those who continue to battle for truth, justice and freedom in China that we have not forgotten their cause. I strongly support the passage of this resolution.

Mr. Speaker, I reserve the balance of our time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. COX), the chairman of the Select Committee on Homeland Security. He is the prime sponsor of this resolution, and we appreciate his leadership on this issue and on human rights in China.

Mr. COX. Mr. Speaker, I thank the chairman for the time.

I thank the gentleman from California and the gentlewoman from California (Ms. PELOSI), who is the cosponsor of this resolution commemorating the 15th anniversary of Tiananmen Square.

That day in June of 1989 is, of course, remembered for the tragedy, but it should also be remembered as one of the high points in the progress towards democracy in human rights in the People's Republic of China. Because prior to the troops crushing the demonstrators and their message, the message had already spread all over China, and looked at in a grander scale of time, there is no question what ultimately can and must happen here. The troops may have won the battle that day against the Chinese people, but they will not win the war so long as we remember, and we will never forget. So we are today commemorating this anniversary of the Tiananmen Square massacre.

At the same time, we are supporting the people of China in their struggle for human rights. These democracy demonstrations that began in Beijing in April of 1989 spread quickly to other major cities and provinces throughout China. They were an inspiration to the world.

As Communist regimes were falling in Russia and East Germany and Poland, Romania, Latvia, Lithuania, Estonia, Ukraine, across Eurasia, the people of China were also seizing the moment to move to the next step in the development of their astounding civilization.

The statue of the Goddess of Democracy showed the world that China's glorious civilization and their extraordinary and wonderful culture for which we all owe a great debt of gratitude would advance still further in the 21st century so that the Chinese people would have a form of government worthy of that culture and that civilization. Finally, after centuries of feudalism, colonialism and foreign interference, the people of China would have genuine human rights, the freedom of association, the freedom of assembly, freedom of speech, freedom of religion, and the freedom to choose their own leaders.

When the Chinese Army injured or killed hundreds of unarmed civilians, some people insisted that this showed the true face of China, but, of course, it did not. The true face of China was shown in the statue of the Goddess of Democracy. The true face of China was shown in those demonstrations throughout the provinces and all the major cities in the country.

We want China to become a trustworthy member of the international community; and in some respects, certainly compared to cultural revolution and the reign of terror under Mao, things in China are much improved.

Yet contrary to the drumbeat sounded by some advocates of engagement, this resolution warns that China's willingness to engage in the world economy has not yet translated into evolution toward democracy nor even an improvement in the Chinese people's religious, human or worker rights.

I will never forget the audience I had with Jiang Zemin in the Great Hall of the People when I asked him, because they were then advertising the village elections that they were having as a step on the road to democracy, when might we have elections in China for a mayor or a city council. He said to me, not for at least 20 years. I still do not know to this day whether that is exactly what he said, because he might just as well have said not in my lifetime. It would have been literally a correct translation.

Here we are many years later, and there have been no steps towards that kind of authentic democracy. In fact, in Hong Kong, where that kind of democracy under the one-country, two-systems model is eminently possible and achievable and where the people of Hong Kong wish devoutly to achieve that result, Beijing has just insisted, in violation of their guarantee in 1997 of the high degree of autonomy to the people of Hong Kong, that there will not be universal suffrage and free elections for the chief executive or for a legislative council in 2007 and 2008.

With this resolution, Congress shows we remember and we will not forget. We insist that our country's China policy promote freedom, human rights and the rule of law, religious and political freedom, free expression, free trade and free markets.

Our long-standing friendship with China can only reach its full potential when the Chinese people enjoy these freedoms. These freedoms increasingly flourish along China's borders. Peace and security for the Chinese people and all their neighbors are essential preconditions for true political, social and economic progress.

Mr. Speaker, the PRC cannot seek a spirit of cooperation between our governments, as they claim to want during a recent visit by Vice President CHENEY, and at the same time so horribly mistreat their own people. Americans, as friends of the people of China, are happy to hear words about the PRC's government's commitment to human rights. We are happy to see their proposal of new amendments to their constitution further guaranteeing these human rights, but unless these words are reflected in deeds, they are meaningless.

The reflections published in the Wall Street Journal today by Wang Dan, one of the leaders of the 1989 Chinese democracy movement, were poignant. He said, ''It is clear to me as never before that the Tiananmen massacre was an unavoidable step in the long path to a free China and that true political reform can never come from within the Communist Party.''

□ 1900

He lamented that ''Communist leaders, be they conservatives or reformists, are all wedded to retaining the current political system, complete with its problems such as corruption and lack of accountability. And far from easing its iron grip on all forms of political dissent, the new leadership now seems intent on extending it to Hong Kong.''

It is striking, with all of the progress that we have seen in other areas, that the current Communist Party leaders in China have repudiated nothing that happened 15 years ago. As Wang Dan points out, that is because they understand ''that reevaluating the official description of the 1989 movement as counterrevolutionary would shake the foundations of the Communists' grip on power.''

Is it not a terrible irony that the current leaders of the People's Republic of China have their power because of the system that was enforced through these brutal means in 1989.

One of the demonstrators, one of the organizers of what happened in Tiananmen Square, a student at the time, is now Dr. Yang Jianli. He and his wife and his two children have lived here in America for many years because he suffered under the punishment, as so many Chinese freedom fighters, democracy activists do of exile. It is a horrible form of punishment. You can never go back to your own country again. So he was banished and lived here in America.

He decided that he wanted to go back to China; and when he set foot in the country, he was arrested. He has been in jail, held incommunicado, held without access to legal counsel or any of the legal rights guaranteed him even under PRC law, for the last 2 years. His children have not seen their father. His wife, Christina Fu, is well known to many of us here because she has helped us enact resolutions that this Congress has passed in a show of support for the basic human rights that any human being, and certainly this American resident, is entitled to. His crime, of course, was supporting freedom and democracy. It has been nearly a year since the House of Representatives enacted House Resolution 199 by a unanimous vote of 412 to nothing.

This legislation condemned and deplored the detention of Dr. Yang Jianli

and the lack of due process afforded him. It called on the Government of the People's Republic of China to release him immediately and unconditionally. The Bush administration has made the release of Dr. Yang one of its most important priorities, and the Vice President raised this at his recent summit. Yet the PRC has continued to violate its own law and to act without regard to international condemnation.

In 2003, the United Nations, through its Working Group on Arbitrary Detention, which I should point out is a group that includes Algeria, France, Paraguay, Hungary, and even Iran, a very diverse group, concluded that in this case continuing to hold Dr. Yang is a violation of the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights. The U.N. working group clearly and specifically declared that Yang Jianli's detention was illegal.

It is not just that he is being detained; it is that he is being abused. He is being virtually deprived of his human rights even as a prisoner. Not only was he arbitrarily placed for lengthy periods in solitary confinement; he was handcuffed for so long that his wrists bled. He was denied access even to books, newspapers, not to mention a lawyer.

Releasing Dr. Yang would be a small, but important, gesture that the Communist Government had learned something since Tiananmen Square. No such gesture, Mr. Speaker, has come.

As we remember Tiananmen Square, we must remember that there are many, many cases like Dr. Yang's. In fact, there are many, many cases of those who were murdered, tortured, and who are still in prison today. We must remind the dictators of the world yet again that individual freedom of expression is no mere internal affair of a government. It is a human right shared by all peoples and recognized by all civilized nations.

Mr. Speaker, I strongly support the passage by this House of this important resolution marking this sad anniversary, but this joyful anniversary that eventually will see freedom in China.

Article 19 of the United Nations' Universal Declaration of Human Rights explicitly guarantees the freedom to ''receive and impart information and ideas through any media regardless of frontiers.''

According to Amnesty International, a growing number of Chinese people are being detained or sentenced for peacefully expressing their views or downloading information on the Internet. The detained include students, political dissidents, Falun Gong practitioners, workers, writers, lawyers, teachers, civil servants, former police officers, engineers, and businessmen.

Signing online petitions, calling for reform and an end to corruption, planning to set up a pro-democracy party, publishing ''rumours about SARS,'' communicating with groups abroad, opposing the persecution of the Falun Gong and calling for a review of the 1989 crackdown on the democracy protests are all examples of activities considered by the PRC's dictatorial regime to be ''subversive'' or a danger to ''state security.'' Such charges almost always result in prison sentences.

China is also renowned for aggressive censorship of the Internet. Web sites of human rights organizations, and numerous international news sites are regularly blocked by government-controlled routers.

There is a role for the United States to play in this fight for free expression. We can promote the exchange of ideas and disseminate accurate information. Our efforts to do so behind the Iron Curtain were instrumental in empowering citizens living under Soviet Communist rule. It is now time to focus our efforts on a different Communist regime and a new technology.

The ability of people around the world to freely access news and information via the Internet may be the greatest threat to tyranny and the most powerful weapon possessed by free people that we have seen in our lifetimes. Indeed, Internet access is rapidly expanding in China. According to official statistics, the number of Internet users had risen to 79.5 million by December 2003 from 59.1 million users in December 2002—an increase of 34.5 percent.

But, just as Communist governments during the Cold War sought to keep uncensored news from their people by jamming Radio Free Europe and Radio Liberty, the government of China today retains strict control over the information Chinese citizens can access on the Internet. During the past few years, Beijing has passed sweeping regulations that prohibit unauthorized news and commentary on Internet sites, and officials arrest and imprison those who violate these laws. Authorities in China routinely block websites they believe a danger to their hold on power, including those of dissident groups and foreign news organizations, like the Washington Post, the New York Times, the BBC, and the Voice of America.

Dictatorial regimes like China have been aggressively blocking access to the Internet with technologies such as firewalls, filters, and so-called black boxes. In addition, these oppressive governments monitor Internet, email, and message boards for key words. They also develop lists of users who visit particular sites, and when they believe that a web user or publisher is a threat to their power, they don't hesitate to act on this information.

According to Human Rights Watch, Chinese web publisher Huang Qi, after enduring a 3-year detention, was finally sentenced last summer to 5 years in prison for the crime of subversion. What was he publishing? The online equivalent of our milk carton notices about missing persons. He had dared to create a website at which people could share information about missing friends and family members and he actually helped rescue several young girls who had been abducted and sold into marriage. Because his site also featured criticism of several state-run agencies, he now spends his days in prison.

The U.S. private sector is developing a number of technologies to combat Internet blocking. Unfortunately, the U.S. government has contributed few resources to assist these efforts and to put the new technologies to use.

That is why I joined Congressman TOM LANTOS, Senator JON KYL, and Senator RON WYDEN in authoring H.R. 48, the Global Internet Freedom Act, which would create a new Office of Global Internet Freedom within the International Broadcasting Bureau. The Office would develop and implement a global strategy to combat state-sponsored and state-directed Internet jamming and persecution of those who use the Internet. The Foreign Relations Authorization Act, which passed the House on July 16, 2003 but has been stymied by the other body, authorizes $8 million per year for the Office of Global Internet Freedom.

With the Global Internet Freedom Act, within the larger State Department bill, Congress can authorize $8 million annually to the proposed Office of Global Internet Freedom so that the U.S. can devote more resources to ensuring worldwide access to information and give those who strive for true freedom the tools they need to outwit the thought police.

The Chinese people certainly still need these tools, because the thought police in Beijing have obviously not learned from the SARS tragedy. While some might have hoped that this deadly lesson would lead to greater openness on the part of the regime—and perhaps some restraint in its ongoing campaign to block the free exchange of information via the Internet and other media—recent events suggest that the tyrants of Beijing are moving in the other direction.

Despite the early release of several high-profile Tibetan dissidents, suppression of political dissent and restrictions on religious freedom continue throughout Tibet and neighboring areas of the PRC. According to the Tibet Information Network, those early releases were quickly off-set by further arrests of Tibetan dissidents in other Chinese provinces. For instance, a popular singer was detained in March 204 because of the political content of his songs, and in February, a young monk was arrested at his monastery for possessing a photograph of the Dalai Lama.

Meanwhile, in northwest China, the international war against terrorism is used to justify harsh repression in Xinjiang, home to China's mainly Muslim Uighur community. Several mosques have been closed, use of the Uighur language has been restricted and certain Uighur books and journals have been banned. The crackdown against suspected ''separatists, terrorists and religious extremists'' intensified following the start of a renewed security crack-down in October 2003. Arrests continue and hundreds of dissidents remain in prison.

Members of unofficial spiritual or religious groups, including some Qi Gong groups and unregistered Christian groups, continue to be arbitrarily detained, tortured and ill-treated. Detained Falun Gong practitioners, including large numbers of women, are at risk of torture, including sexual abuse, particularly if they refuse to renounce their beliefs.

It is fitting that, as we debate this resolution, the Victims of Communism Memorial is nearing construction on Capitol Hill. The Memorial, which will commemorate this struggle by paying tribute to more than 100 million victims of Communist atrocities around the world, will prominently feature a replica of the Goddess of Democracy statue created by pro-freedom activists in Tiananmen Square, in addition to an eternal flame to the victims of Communism and bronze panels with quotes from heroes of the Cold War.

Wang Dan said, ''The 1989 student movement played an invaluable role in pointing out the path to democracy in China. Without it, we would still be clinging to the myth that a small

group of enlightened Communist officials could rescue China from totalitarian rule. Instead we have learned from our mistakes that year, and realized that China's democratization must be a bottom-up process, driven by forces outside the Communist system."

Today, on a bipartisan basis, Congress stands united in support of freedom for the people of China. Fifteen years ago, Tiananmen Square marked not only a tragedy, but a decisive turning point in the fight for freedom. People's Liberation Army troops won the battle against the Chinese people that day, but they will surely lose the war to imprison the human spirit—because we will never forget. The day will soon come when all of the Chinese people will have the right to speak and debate freely. The hope symbolized by the Goddess of Democracy will ultimately triumph.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as he may consume to my good friend, the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me this time.

I want to thank, first of all, the sponsor of the resolution, the gentleman from California (Mr. COX), for a very eloquent statement, and my good friend and colleague, the gentleman from California (Mr. LANTOS), for his very eloquent statement and for a long-standing commitment to human rights in China, as well as everywhere else in the world where those rights are abridged.

I just want to make a couple of points very briefly. I would hope that every Member, and I am sure they will by the time this is voted upon with a recorded vote, probably tomorrow, to read, those who have not read the full text. And I commend the maker of this resolution, the gentleman from California (Mr. COX), for being so comprehensive not just in the whereases but in the operative clauses.

He mentioned, I think a moment ago, about the Tiananmen mothers. They sent videos to Geneva to the U.N. Human Rights Commission. And because they presented a video to those who were there supposedly gathering information about human rights abuses anywhere and everywhere in the world where there is abuse, for that these Tiananmen mothers were not only arrested, and were subsequently, we understand, let go, but they now are being watched.

These are the mothers who have lost loved ones, sons or daughters, in Tiananmen Square and the days that followed. And the burden they carry having lost their loved ones is only exacerbated by the cruelty of the mothers now being harassed by the dictatorship in Beijing.

The resolution also calls for the release of Dr. Yang Jianli, another veteran of the Tiananmen Square protest of 1989, who has been illegally detained in China for over 2 years, so that he may be reunited with his wife and two children in the United States. It is time to let Dr. Yang go, and I hope that the Chinese get that message very, very quickly from what I hope will be a very bipartisan support for this resolution.

It also calls upon nations participating in the 2008 Olympics to use the opportunities created by the games to urge China to fully comply with the United Nations Declaration of Human Rights. I would remind my colleagues that when the Chinese wanted the Olympics 2000, they let out some very prominent dissidents, including Wei Jingsheng. I happened to be in Beijing on a human rights trip when he was let out. I met with him. When they did not get the Olympics, they went back and rearrested him and put him back into the Laogai and into the gulag in China. A very cynical approach.

This time they got the Olympics, and they did nothing whatsoever to deserve them. So, hopefully, the venue of the 2008 Olympics will be used by those who care about human dignity and human rights to raise these issues very substantively.

There is also the issue of asking for the establishment of a June 4 investigation committee. There has been an absolutely absurd whitewash of what happened the day of June 4 and the days that subsequently followed as a result of the Tiananmen Square massacre and all of the killings that occurred afterwards. The Chinese Government has made part of their three noes, or nonmentionables, the idea you cannot even mention Tiananmen Square; and if you do, you will suffer their brutality.

This is a very, very important resolution. Again, I want to thank the gentleman from California (Mr. LANTOS) for his graciousness in yielding this additional time to me. We have no further speakers, and I yield back to the gentleman.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

This Congress always does its best work when it stands united. On this issue, my colleagues, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. COX) and the gentlewoman from California (Ms. PELOSI), and I stand shoulder to shoulder in striking a blow for freedom for the Chinese people.

Mr. SOUDER. Mr. Speaker, over the past couple of months, I have been working with the Victims of Communism Memorial Foundation as they and the National Park Service have searched for a suitable location for the Victims of Communism Memorial here in our Nation's Capital. The memorial, authorized by P.L. 103–199, will honor over 100 million victims of communist atrocities around the world.

With a death toll greater than that of all of the wars of the 20th century combined, communism has cast a shadow of terror from Berlin to Beijing, from Hanoi to Havana. The struggle of men and women against communism in these and other places must not be forgotten. As the world's leader in challenging Communist oppression, the United States cannot afford to forget the cost of communism and the reason for our struggle against it.

The Victims of Communism Memorial will commemorate this struggle by paying tribute to those who have lost their lives to Communist tyranny. An enduring reminder of their sacrifice, the memorial will stand as a testimony to future generations of Americans, a solemn remembrance of the lives lost to Communist oppression and of the purpose of our Nation's fight against communism and for the cause of freedom.

This story is not only an international story but also an American story. An estimated 26 million Americans trace their origins to former Communist countries.

The Victims of Communism Memorial Foundation has designed a memorial featuring a replica of the Goddess of Democracy statue created by pro-freedom activists in Tiananmen Square, including an eternal flame to the memory of the victims of communism and bronze panels with quotes from heroes of the cold war. This design is still pending approval of federal commissions.

The Chinese Embassy recently contacted the National Park Service to express objection to the design's use of the Goddess of Democracy statue, stating that it is an "anti-China sign." This week, as we remember the fifteenth anniversary of the tragic events in Tiananmen Square and the democracy protestors who stood their ground there, we remember the importance of that statue—not as a symbol that is "anti-China" but as one that is pro-democracy and pro-freedom. That statue represented the hopes of a people for democracy and freedom in their land. Their courage and sacrifice in standing firm in these hopes have inspired people around the world. A replica of their Goddess of Democracy statue will be a fitting element of the memorial commemorating the millions who have struggled against communism and for freedom.

H. Res. 655 condemns the crackdown of those who stood for these freedoms in Tiananmen Square. With the Victims of Communism Memorial, we look to honor all who have suffered as they stood for freedom in the face of Communist tyranny. I urge my colleagues to support these efforts.

We here have the great blessing of living in a country built on the ideals of democracy. We do well to remember that there are others in the world who have not enjoyed the same freedoms. May we never forget their suffering nor take for granted the "land of the free" in which we live.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FEENEY). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 655.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATIONS TO LACROSSE PROGRAM AT UNIVERSITY OF VIRGINIA

(Mr. GOODE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODE. Mr. Speaker, I rise today to congratulate the lacrosse program at the University of Virginia. The Virginia Cavaliers' women's lacrosse team recently won the 2004 national championship, following the 2003 national championship of the men's lacrosse team. Both programs are outstanding and their championships stand as a testament to the skill and hard work of the University of Virginia's athletes, coaches, trainers, and staff.

I know that the University of Virginia is honored by both its men and women's lacrosse teams. I am proud to say that the 2004 women's lacrosse championship belongs to the University of VA from the Fifth District of Virginia.

TRIBUTE TO LANCE CORPORAL ANDREW ZABIEREK, USMC

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, I rise today in honor of a true hero, Marine Lance Corporal Andrew Zabierek, who gave his life in service to our country.

Lance Corporal Zabierek died tragically on May 21, 2004, while serving on duty with the 2nd Marine Division, 2nd Marine Battalion, Third Platoon near Baghdad.

At the funeral service for Lance Corporal Zabierek on May 29 at Saint John's Church in Chelmsford, Massachusetts, Mark Zabierek delivered an eloquent tribute to his brother that touched me and others who were present. He described the lifelong dedication that Andrew gave to his beloved family and friends and the supreme sacrifice he made in service to his country.

Mark Zabierek's touching eulogy to Andrew should be of interest to all of us here. I will read an excerpt and ask that the statement be included in the RECORD in its entirety:

''In an age where many people's idea of patriotism and civic responsibility are diminished by a sense of materialism, I was touched that my brother put his life on hold to join a service that most certainly would have brought him to the thick of the fighting overseas. He abandoned any other professional and personal designs to embrace a culture of service to his country and to our flag which now, tragically, drapes his coffin.''

Mr. Speaker, I think we all should take a moment to recognize Lance Corporal Zabierek. Andrew died fighting for the country he loved, alongside his comrades he respected. Our Nation is humbled and grateful for his sacrifice.

Mr. Speaker, the full eulogy given by Andrew Zabierek's brother Mark is as follows:

EULOGY FOR LANCE CORPORAL ANDREW ZABIEREK, USMC

(By Mark J. Zabierek)

I've always looked up to my bother, Andrew. From when we were young he was my role model, my hero, my friend. I wanted to be just like him, do everything he did. He had a rare sense of honesty and empathy that I could only try to emulate. Even in later years, if we fought, as brother's do, there was nothing said between us that could erode my love for him. I truly admired who he was as a person and the depth of his consideration for others.

In the wake of September 11th, as he pondered joining the military, my family sometimes didn't understand why a college graduate so gifted as my brother would want to enlist for a nominal wage and risk losing what would have been such a full life. Simply, my brother was special. He wanted to be a part of something bigger than himself. He wanted to serve and honor and protect the things that he held dear in life. His sense of justice didn't enable him to accept that others would go to war for him to fight and die in his stead.

I was indescribably proud of Andrew when he decided to serve in the Marine Corps. He had a brilliant intellect and talents too abundant to mention that he left to serve a higher calling. In an age where many people's idea of patriotism and civic responsibility are diminished by a sense of materialism, I was touched that my brother put his life on hold to join a service that would most certainly bring him to the thick of the fighting overseas. He abandoned any other professional and personal designs to embrace a culture of service, service to his country and to the flag which now, tragically, drapes his coffin.

For Andrew and me, all our lives our flag was a symbol of hope, freedom, and purity. Now this flag also will remind our family profoundly of the loss of Andrew and the sorrow that comes from realizing the cost of the ideals he and I grew up cherishing. Sadly, our family will forever feel the burden of the sacrifice that enables our flag to fly.

Andrew's desire to serve, as I've said, came from a sincere longing to better the lives of the people around him, but even he couldn't have imagined just how many lives he has touched. The support, kindness, and sympathy of family, friends, this congregation and this community would have shocked my brother who was humbly unaware of the extent of the loving spirit of the people among him now. My family and I can never truly express our thanks, nor repay your altruism.

Andrew is deeply mourned in his death, but was incredibly loved in his life. We come from a large family, all who cherish the memory of Andrew. He embodied the best qualities of my parents and grandparents who loved him perfectly and completely. He had my mother's tenderness and faith and my father's honesty and humor. He had an impeccable sense of right and wrong and a heart filled with immeasurable compassion.

He never met cruelty with hatred, never met sorrow without sympathy, and we know he met death with courage and dignity.

That was our Andrew, my brother. He was kind, noble, and he was loved. We know that love will lift him up to a better place at God's right hand, and his spirit and grace will be part of us for all our lives, never to be forgotten.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A TALE OF TWO ECONOMIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, during the past 3 years, we have seen a tale of two economies and an unprecedented redistribution of wealth in this country resulting in one economy for the middle-class families and one for the special interests. While there have been profit booms for corporations and a compensation boom for CEOs, there is a growing wage and benefits recession for the middle class of this country.

□ 1915

To those who say redistribution of wealth is wrong, I agree. Whether you redistribute wealth to the top 1 percent or the bottom 25 percent, that is wrong. Middle-class families are dealing with an economy that has a wage-and-benefit recession, all the while they have increasing health care costs, college costs, job insecurity, and retirement uncertainty associated with their savings.

While this administration creates tax loopholes for corporate jet use, leaving the taxpayers to pay for billions of dollars in corporate jet use, they have frozen college assistance to middle-class families. This is the essence of class warfare. As famed investor Warren Buffett once said, ''If class warfare is being waged in America, my class is winning.''

A report last month by Bloomberg in the Chicago Tribune showed U.S. corporate profits increased by 87 percent in the last 2 years. Average CEO pay got a big boost of 8.7 percent, while salaried employees saw the most anemic wage growth since World War II, 1.7 percent.

Bill McDonough, former chairman of the New York Fed and now chairman of the Public Company Accounting Oversight Board, describes the gap between CEO and worker pay as ''grotesquely immoral.'' I think we can all agree that the former chairman of the New York Fed is not exactly a flaming socialist or liberal. He also noted that, in 1980, CEO pay was 40 times higher than the average worker's. Today, it is 400 times higher. I think he sums it up best, ''I know a lot of CEOs from the 1980s, and I know a lot of CEOs from 2000, and they are not 10 times better than the CEOs of 1980.''

At every turn, this administration tells us the economy is humming along. That may be true in the executive suites and the boardrooms, but the other economy has created the largest income disparity since the turn of the century, and today middle-class families are facing a harder time to pay for college costs, health care costs, and retirement security at the very time in

which they have had nothing but an anemic wage growth.

David Rosenberg, chief economist at Merrill Lynch, said, ''The income from the recovery has been locked up in the corporate sector. We have had a redistribution of income to the corporate sector.''

The concentration of wealth has been accelerated by the President's economic and tax policies. A study cited by New York Times found that Americans are being taxed more than twice as heavily from earnings from work as they are from investment income, even though more than half of all investment goes to the wealthiest 5 percent of taxpayers.

While this administration has been cutting taxes for the wealthy, the rest of America have been literally going from paycheck to paycheck. Health care costs have gone from $6,500 for a family of four to $9,000 in less than 2 and a half years. College tuition costs increased in the year 2001 by 10 percent; 2002 by another 11 percent; and last year, 14 percent, all the while Pell Grants and other assistance for college have been frozen. $180 billion has been lost in 401(k) net worth and savings plans, and we are putting a squeeze on middle-class families.

What we face today is the end of the middle class as we know it. We ended welfare as we know it because it was a failed system. This administration has an economic policy that is ending the middle class as we know it. As President Bush seeks reelection, he can say he has kept his commitment to the wealthiest of America, and the other 99 percent has made out just as he planned.

This administration has two books, two sets of values, two sets of priorities, a single economic strategy that divides a country along class lines. If we want to live in a country without class divisions, we cannot deny middle-class families the same dreams of affordable health care, quality education, and a safe place to live that the most fortunate in this country have today. A government that pays no heed to that gap between the rich and the middle class does so at its own peril. To quote Supreme Court Justice Louis Brandeis, ''We can either have democracy in this country or we can have great wealth concentrated in the hands of a few, but we cannot have both.''

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. MORAN of Kansas. Mr. Speaker, I ask unanimous consent to utilize this time for my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

TRIBUTE TO HON. STAN W. CLARK OF OAKLEY, KANSAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this evening to pay tribute to a man of principle and faith who nobly devoted his energies to the service of others. Today, we mourn the death of Kansas State Senator Stan Clark of Oakley, Kansas, who was tragically taken from us as a result of a vehicle accident this past Saturday.

I had the honor of serving alongside Stan Clark in the State Senate for 2 years of his decade of service. As I and many of his colleagues will attest, Senator Clark was unwavering in his pursuit of issues based upon principle. He deservedly earned a reputation for being a conscientious and dedicated legislator. As peers, we valued his thoroughness in considering each piece of legislation and his deliberate, detail-oriented analysis of policy affecting his constituents. He always knew more about pending legislation than any other member of the State Senate.

Stan dedicated himself to public service on behalf of Kansans, and especially those who call northwest Kansas home, and he did it with conviction and purpose. The fact that Senator Clark sought elective office is in itself unusual. He had to convince the leadership of the Dunkard Brethren Church that public service was an appropriate calling for a Christian, for his church firmly believed that a person must not be conformed to this world. I cannot imagine a congregation that can be more proud of a decision to allow a member of their church to pursue public office. Stan did not conform to the things of this world but worked to transform the world and to perfect the will of God.

A lifelong Kansan, Stan was always true to his roots. He lived a life guided by the morals and values we in Kansas hold dear. He was motivated to do the right thing in each and every circumstance. In today's partisan arena where there is too much Republican this and Democrat that, Stan put people above politics. Although Stan was not always able to convince everyone of the rightness of his position, nor was he always in the majority when the votes were cast, he treated every person with dignity and respect.

His humility and his warm, genuine grin, which originated deep within his heart, won him the love of friends and the respect of opponents. He lived his life striving to follow Paul's instructions in Romans 12:

''Let love be without hypocrisy. Abhor what is evil. Cling to what is good. Be kindly to one another with brotherly love, serving the Lord, rejoicing in hope, patient in tribulation, continuing steadfastly in prayer, given to hospitality. Do not set your mind on high things, but associate with the humble. Do not be wise in your own opinion. Repay no evil for evil. If it is possible, live peaceably with men. Do not be overcome by evil, but overcome evil with good.''

In a speech just a few days before his death, addressing those gathered at a Vietnam moving wall displayed in his hometown of Oakley, Kansas, Stan told his neighbors his thoughts about death and as a result his thoughts about life. These are his words.

''Thinking about death produces a true love for life. When we are familiar with death, we accept each day and each week as a gift. This acceptance helps us to see all human life as priceless. Only when we are able to accept life, bit by bit, does it become precious. Only this awareness of death creates true inward freedom from material things. When we look death in the face, we overcome ambition and greed and the love of power and the fear of losing material things. When we look at ourselves, we realize how weak and misguided we can be. If we have not had the thought of death, we cannot achieve an inward freedom to live. When we bury death's control over our own lives and experience freedom and peace of mind, life becomes a gift that we can share with others.''

After his commitment to his faith, most important to Stan was his family. He devoted endless love and attention to his wife, Ruth, and their son, Will. Most common was Stan's dedication to balancing public responsibilities with a commitment to quality time shared with his family.

Today I join his many friends and admirers in extending my deepest sympathies to Ruthie and her family during this time of loss. Stan, you will be greatly missed by me, by my family, and by our many friends and your constituents, but he who does the will of God abides forever.

HOW COULD BUSH ADMINISTRATION HAVE BEEN SO WRONG ABOUT IRAQ?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, a question that should be asked here in Congress but there is resounding silence from the majority because they do not want to embarrass the Bush administration is how could the Bush administration have been so wrong about Iraq? How could they have been so wrong about the nonexistent weapons of mass destruction, about the nonexistent mobile biological warfare laboratories, about the fantasy that American troops would be greeted with flowers and there would be an immediate transition to a robust democracy in Iraq,

so, therefore, there would be no need for a robust force post-war to keep the peace, no need for body armor for the troops or armored Humvees.

And, in fact, the administration fired the head of the Joint Chiefs of Staff because he did not believe that stuff and said we would need 300,000 troops or more to maintain the order. Of course, he was right; they were wrong. But how could they be so wrong?

I guess you could be wrong if you took your intelligence from a convicted fugitive, bunko artist, bank embezzler, and that was the chief source of intelligence and information for this administration. Despite the fact that the CIA severed all ties with Mr. Chalabi 7 years ago, despite the fact that the State Department rejected Mr. Chalabi quite some time ago, the Bush principals involved in planning and executing this war, particularly Mr. Wolfowitz who was one of Mr. Chalabi's dearest friends and compatriots, believed Chalabi over their own CIA, over the people at the State Department and in other intelligence agencies.

They said, oh, no, Ahmad, he is telling us what is really going on in Iraq. He is giving us good information.

In fact, Chalabi was invited to a meeting of the Defense Policy Board 9 days after September 11, and he said, hey, skip Afghanistan and go into Iraq. Luckily, that initial advice from Mr. Chalabi was ignored. But at the same time he began building the case that there would be no guerrilla warfare and there would be quickly a new democratic government with him as its chosen head and that showers of flowers would come upon the troops and Mr. Chalabi and others.

He was close and met with Condoleezza Rice, Vice President CHENEY and Secretary Wolfowitz. Mr. Chalabi, despite the protestations of this administration and all attempts to hide their ties to him, was provided $39 million for his phoney intelligence by this administration, $340,000 a month in a stipend that continued even after his lies regarding weapons of mass destruction and the post-war environment in Iraq. Even then the administration continued to give him $340,000 a month.

He was flown into Iraq before the war was over by the Pentagon with the idea that he was going to become the new anointed president and leader. They had to quickly evacuate him when they found out that the Iraqi people did not think as much about this convicted bunko artist, fugitive, bank embezzler as did the CIA and others. They basically ran him out of the country until the U.S. established control.

He is, of course, not repentant about the bad information he gave us. He said, ''As far as we are concerned, we,'' meaning he and the other fraud members of the INC, ''have been entirely successful. Saddam is gone, Americans are in Baghdad, and what we said before is not important,'' and that is all of the lies he told us.

He went on to say the U.S. intelligence agencies are at fault because intelligence people are supposed to do a better job for their country and did not do such a good job. That is Mr. Wolfowitz and others who believed his lies were at fault, according to Mr. Chalabi, not he or the others who lied to us, misled us, and caused death of American troops and a lot of chaos in Iraq.

Now the director of DIA testified in March that all of the intelligence he gave us was either fabricated or embellished. The National Intelligence Council now says the intelligence was useless. Of course, his money was cut off last month. But, unfortunately, he did more damage than even that.

He has compromised the U.S. dramatically in the Middle East. As we see today, a headline story in the New York Times, ''Chalabi reportedly told Iran that the U.S. had broken their code'' which will mean incredible problems for the United States in gathering intelligence in that region where we already had scant resources.

□ 1930

Now the Bush administration, Mr. Wolfowitz and others, are trying to pretend like they never met this guy before. They did not give him $36 million, they did not base their war strategy on his phony intelligence, and they are not ''best buds.''

Well, you are judged by the friends you keep, and they cannot separate themselves from this. It has caused tremendous harm to our country, and those in the Bush administration who pushed Mr. Chalabi's information should be held to account. It has caused deaths of American troops.

CREATING A SENSIBLE, MULTILATERAL, AMERICAN RESPONSE TO TERRORISM

The SPEAKER pro tempore (Mr. FEENY). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, in their public speeches about the war in Iraq, President Bush and Vice President CHENEY often invoke the notion of sacrifice and responsibility. They insist that every American support their war in Iraq, and those that do not are labeled un-American, traitors, even treasonous.

According to this model, then, it follows that the White House would encourage patriotic, trustworthy companies to carry out the reconstruction of Iraq's war-torn infrastructure, their schools and hospitals, public buildings, roads and more. But that is just not happening.

Halliburton, which has been awarded reconstruction contracts left and right, does not seem terribly motivated by Bush and CHENEY's notion of sacrifice and responsibility. Perhaps all those no-bid contracts have gone to their heads, or perhaps Halliburton is still reeling from the fumes of the millions of gallons of gasoline it has been contracted to import into Iraq, one of many hefty contracts specifically coordinated by DICK CHENEY'S office.

You may recall that Vice President CHENEY is the former CEO of Halliburton. The problem is that, once again, the Vice President has lied to the American people about his involvement with his old employer, an employer that still pays him nearly $200,000 each year in deferred salary and with whom he holds nearly 500,000 company shares.

On September 4 of last year, Vice President CHENEY said on ''Meet the Press,'' ''As Vice President, I have absolutely no influence of, involvement of, knowledge of in any way, shape or form of contracts let by the Corps of Engineers or anybody else in the Federal Government.''

But that statement deeply contradicts an internal Pentagon e-mail obtained by Time Magazine, sent by an Army Corps of Engineers official on March 5, 2003, stating that the Vice President's office specifically coordinated a recent multibillion dollar contract in Iraq with Halliburton. That is the Vice President's office.

The e-mail specifies that Undersecretary of Defense Douglas Feith had appallingly ''coordinated'' the contract with the Vice President's office.

I wonder if Vice President CHENEY's coordination of lucrative contracts for his former employer appeals to the same high patriotic standards that he regularly invokes for the rest of us in his speeches. Or perhaps there is a double standard at work, a policy of patriotism when it is convenient, and another policy of sheer greed and selfishness when Halliburton comes knocking on the door with its $200,000 in annual deferred salary for the Vice President.

There has to be a better way, because the Bush doctrine of cronyism has been tried; and it has failed utterly. It is time for a new security strategy, one that emphasizes brains instead of brawn, depends on quality and sincerity in all business negotiations, and one that is consistent with the best American values.

I have introduced H. Con. Res. 392, legislation to create a SMART security platform for the 21st century. SMART stands for Sensible, Multilateral, American Response to Terrorism. SMART treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships that control the spread of weapons of mass destruction with a renewed commitment to nonproliferation; and it aggressively invests in the development of impoverished nations, with an emphasis on women's health and education.

The United States can no longer afford foreign presidents watching as our national leaders reward their buddies with contracts worth billions of dollars and then turn around and call dissenters unpatriotic and un-American.

Instead, let us rely on the very best of America, our commitment to peace, our commitment to freedom, our compassion for the people of the world, and our capacity for multilateral leadership.

Let us be smart about our future. SMART security is tough, SMART security is pragmatic and patriotic, and it will keep America safe.

WASHINGTON WASTE WATCHERS REPORT ON USDA WASTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, I rise again today as a member of the Washington Waste Watchers, a Republican working group dedicated to rooting out rampant waste, fraud, abuse and duplication in the Federal bureaucracy.

Despite the major economic recovery that is under way, despite more new jobs and historic rates of homeownership, Democrats keep demanding that we take tax relief away from American families. Take away the tax relief that is responsible for the unparalleled growth in our economy, the tax relief that is creating jobs, the very same tax relief that has actually added revenues to our Federal Treasury. That is right, the Treasury Department reports that revenues are up due to tax relief-generated economic growth.

When it comes to the Federal deficit, Mr. Speaker, our fiscal challenges lie on the spending side, not on the taxing side; and that is where we must focus our attention. And by any measure, spending is out of control in Washington. For only the fourth time in the history of our Nation, the Federal Government is now spending over $20,000 per family. This is up from just $16,000 just 5 years ago. This represents the largest expansion of the government in 50 years. Since I have been alive, the Federal budget has grown seven times faster than the family budget.

Clearly we have a spending problem, not a taxing problem. Now is not the time to raise taxes on American families, as so many Democrats seek to do; but it is time to take the trash out in Washington, the waste, the fraud, the abuse, the duplication.

Let me give you just a few typical examples we found recently in just one government department, the Department of Agriculture. The Office of Rural Rental Housing made $4.4 million in rental subsidy overpayments in just one State simply because they could not verify the income of the recipients.

Can you imagine going to a bank or an automobile dealer and having them just hand out a loan without verifying your income? Do they not typically ask for a pay stub or a tax return? It is only common sense in the rest of America, but apparently not with many Federal bureaucrats. And Democrats want to raise our taxes to pay for more of this? $4.4 million of the people's hard-earned money squandered. That is enough money to fully armor 142 Humvees in Iraq.

Because the Rural Utility Service will not allow water and waste projects to be funded by both government grants and private loan sources, American taxpayers paid for more than $85 million of unnecessary grants over a 4-year period. This same agency made loans totaling about $100 million to projects that could have been financed with private credit. Instead, taxpayers, American families, were forced to finance them. This policy does not make any sense, yet Democrats want to raise our taxes to pay for more of this? That $85 million in unnecessary grants could have been used to purchase over 53,000 Kevlar vests for our troops in Iraq.

Mr. Speaker, almost everyone believes that we should help provide adequate nutrition for the neediest Americans; but because a food stamp program State agency in the Midwest did not provide oversight over its field offices, and because they had not performed a management review in over 7 years, almost $2 million in Federal funding was improperly spent on administration of the food stamp program in the year 2000. That money could have bought 720,000 gallons of milk for food stamp recipients in Indiana.

Mr. Speaker, can you imagine starting up a small business and not reviewing your finances for over 7 years? My guess is the business would go bankrupt. Yet Democrats want to raise our taxes to pay for more of this?

Mr. Speaker, this is just the tip of the iceberg. The list goes on and on and on, and so does the waste, the fraud, the abuse and duplication. It has been going on for decades.

Republicans are working hard to root out the waste of American tax dollars, but too often our Democrat colleagues keep fighting us every step of the way. Last year, the Committee on the Budget approved a budget asking for authorizing committees to identify just 1 percent, just 1 percent, of waste and fraud and abuse within their budgets. But again the Democrats fought us every step of the way. One of their leaders reviled our efforts, ridiculed it, and said it was ''a senseless and irresponsible exercise.''

Mr. Speaker, the American people disagree. With the Nation at war and with a large Federal budget deficit, there is no better time than now to root out this senseless waste, fraud and abuse, because when it comes to Federal programs, it is not how much money Washington spends that counts; it is how Washington spends it.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REASONS WHY ADMINISTRATION HAS TO GO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I can hardly stop laughing after that last speech. You would think the Republicans were not in charge here. I think he was talking about President Bush and the Republican House and the Republican Senate that is wasteful. They have shoveled it out the door to all kinds of things.

Mr. Speaker, I read a quote the other day that astonished and frightened me. I think most Americans feel the same way. Here it is:

''The world should have expected the shocking photographs of Iraqi prisoners being tortured at the Abu Ghraib prison.''

That is a pretty strong message, the kind of damning statement about U.S. foreign policy in Iraq that we might expect our enemies to say and even use to recruit. But the words were spoken by the head of Amnesty International.

Amnesty International's Secretary General Irene Kahn went even further in her remarks, saying U.S. policy has actually made the world a more dangerous place. ''Sacrificing human rights in the name of security at home, turning a blind eye to abuses abroad and using preemptive military force when and where it chooses, have neither increased security nor ensured liberty.'' And, tragically, this sentiment is likely to get worse. The world now knows that at least three prisoners have died in U.S. custody in Afghanistan. There are other allegations apparently under investigation of beatings and sexual abuse.

As it stands now, we might never know the full extent of U.S. prisoner abuse in Afghanistan, because the top U.S. general says it is classified.

The AP quotes Lieutenant General David Barno as saying anything made public will contain only ''some of the key conclusions.'' Also being kept secret are the ''specific techniques used,'' the commander said. Those are code words for things like beating and hooding and other abuses.

The International Red Cross has been trying to get into other U.S. prison facilities in Iraq besides Abu Ghraib, but the Red Cross has been denied access. What else is yet to be discovered? Why is the military stamping ''secret'' on its activities in U.S. prisons in Iraq? The AP says evidence of abuse has surfaced in at least three other detention facilities in Iraq. ''Secret'' is what the administration and its civilians in charge at the Pentagon are saying.

The honor of every decent U.S. soldier is tarnished by prisoner abuse that the administration refuses to account

for. The safety of every decent U.S. soldier is endangered when this administration refuses to find those responsible within its own list of political appointees. It is not sergeants and PFCs at the bottom.

This President has turned worldwide goodwill and unending support after 9/11 into global disgust and worldwide mistrust of America. As long as this President remains in the White House, the United States grows increasingly isolated in the world.

The war on terror will not be won alone. And America will not win when this President's policies lead Amnesty International to say the war on terror is ''bankrupt of vision'' and concludes, ''The U.S. has lost its high moral ground and its ability to lead on peace.''

That is the legacy of this administration and the reason that George Bush is going back to Crawford, Texas, on the second of November.

□ 1945

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise once again as a member of the Washington Waste Watchers.

Mr. Speaker, as a result of Republican efforts, House committees spent a great deal of time last year finding wastes of taxpayer funds in Federal programs. Those efforts, as a matter of fact, highlighted over $85 billion in potential savings to the taxpayer.

This year, the gentleman from Iowa (Chairman NUSSLE) passed a budget resolution in the Committee on the Budget that goes a long way toward reducing and actually eliminating some of the most outrageous examples of waste, fraud, and abuse. By the way, I have to also applaud President Bush for working on implementing the President's Management Agenda, a performance-based system that seeks to reduce waste, fraud, and abuse. Mr. Speaker, we need to continue to work to eliminate waste, fraud, and abuse, because there is a lot more work that can be done.

Let us just look at a couple of examples. Let us look at the Environmental Protection Agency, for example, where, again, hard-earned taxpayer dollars are sent to ensure that our environment is protected. Yet a recent EPA Inspector General report found that an environmental advocacy group received nearly $5 million in educational grants that it used to lobby the EPA between 1998 and 2001, despite the fact that that is illegal, it is illegal to use those funds to lobby.

Another EPA audit found that they awarded a $700,000 grant without any knowledge of the work that the recipient was supposed to perform. They did not even know what it was for.

Yet another audit found that for almost half of the grants reviewed, and this is a quote, the EPA did not even attempt to measure the project's outcomes. Yet the Democrats want to raise hard-working Americans' taxes to do more of this.

The Inspector General also found that the EPA awarded a contract to an engineering firm that used some of those funds to host a golf day, but the Democrats want to raise your taxes to do more of this.

As a matter of fact, last year, the Democrats offered alternatives to major legislation that would have added almost $1 trillion to the deficit.

Let us make this very clear. The Democrat alternatives, all of their budget alternatives massively increased taxes. One of them increased taxes by $119 billion, the other one by $165 billion, and the third one by, again, a little bit over $165 billion in increased taxes on the hard-working Americans to do more of this.

That is the difference, Mr. Speaker. While the Washington Waste Watchers, while the President, while the Republican majority is trying to root out waste, fraud, and abuse, the Democrats are trying to pile on, and they have this love affair with increased taxes.

So, Mr. Speaker, while our friends, the Democrats, continue their love affair and continue to try to raise the taxes of the American people, those of us in the Washington Waste Watchers will continue to work with the President to try to root out that waste, fraud, and abuse and eliminate it as soon as possible.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FIRST-HAND KNOWLEDGE OF CONDITIONS AT GUANTANAMO BAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I could not help but notice, as I am sure many of my colleagues who are in the Chamber this evening noticed, the remarks of the gentleman from Washington State just a few minutes ago, talking about what Amnesty International thinks. Well, I want to remind my colleagues that Amnesty International is about as objective as the gentleman from Washington State; and if be anybody feels disgust toward this President, it is because of the harping and carping of people like that who really do not care about this country. They want to believe the Saddam Husseins of the world and not the President and Commander in Chief of this great country.

Mr. Speaker, I rise this evening primarily to talk about——

Mr. MCDERMOTT. Mr. Speaker?

The SPEAKER pro tempore. The gentleman will suspend.

For what purpose does the gentleman from Washington rise?

Mr. MCDERMOTT. The gentleman was talking about me specifically, and I thought we would take his words down and see if they are appropriate.

The SPEAKER pro tempore. The Clerk will report the words.

Mr. MCDERMOTT. Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore. The gentleman withdraws his request.

The gentleman from Georgia may continue.

Mr. GINGREY. Mr. Speaker, I rise this evening to talk a little bit about the situation in Baghdad at that Abu Ghraib prison and the reports of abuse by certain prison guards in one cell block.

A lot of the media, Mr. Speaker, has been suggesting that the reason this occurred was because General Miller had come from Guantanamo Bay where, over 2 years ago, we set up that facility for the enemy combatants that were captured in Afghanistan to detain them and that General Miller went over to Baghdad to Iraq to Abu Ghraib to advise them on how to obtain intelligence, actionable intelligence from the detainees, and because of that advice, this so-called ''GTMO-izing'' the operation in Iraq, this is what led to the abuse, that these miscreant few in this one cell block were not responsible because they were just simply following orders.

Well, Mr. Speaker, tonight I want to explain to my colleagues the opportunity that I had a week ago Tuesday to go to Guantanamo Bay, along with my colleague from the other side of the aisle, the gentleman from Florida. We were both asked to go by our chairman of the House Committee on Armed Services, the honorable gentleman from California (Mr. HUNTER), and the ranking member, the gentleman from Missouri (Mr. SKELTON).

So we had an opportunity, Mr. Speaker, to go to Guantanamo Bay and see that operation firsthand. And I am proud, as I know and I feel very confident in listening to and talking with my colleague from Florida, that we did not see any abuse in Guantanamo Bay. We did not see any water torture. We did not see any use of dogs. We did not see any prisoner injury or abuse.

Mr. Speaker, what we saw, rather, was a very well-conceived, well-designed operation that included interrogation, yes, the obtaining of actionable intelligence in a humane way and in a very sophisticated way, and yet a detention facility that took into consideration the prayer activities of the detainees from Afghanistan. Indeed, in each and every cell, there was an arrow pointing to Mecca, to the east. There

were prayer beads, there were prayer caps, there was a Koran, and each of these detainees were treated in a very humane fashion.

So I would say this to my colleagues, that, indeed, if we are ''GTMO-izing'' the operation in Iraq, amen. That is what we need to do.

UNCOVERING WASTE, FRAUD, AND ABUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CARTER) is recognized for 5 minutes.

Mr. CARTER. Mr. Speaker, I rise to discuss what my colleagues have been discussing here today: issues of waste, fraud, and abuse. But, before I do, I would like to make one statement. I operated as a trial judge in Texas for about 21 years, and we had rules in the court at that time that if the opposing counsel for any purpose attacked or impugned the honesty or integrity of another member or got vicious and attacked them in any form or fashion, we could correct them; and if they continued in that type of style, we could actually fine them. It has been my limited experience here in Congress that if we were able to allow the Chair to issue such fines, we could probably balance the budget here in Congress without much problem at all. And I think we have seen a lot of that here today with the use of some terms like ''liar'' that I have heard here used today. I just as an aside wanted to say that.

Back about a year-and-a-half ago, I was in a meeting in Houston, Texas. As I said, I have been a trial judge. Before the meeting, I had an undercover Department of Public Safety officer come to me at this meeting and say he would like to talk to me in private for just a minute; and I went in and talked to him.

He said, Judge, I want to tell you about something. There is something going on here in Houston that I think you ought to know about it. There is a gang of Middle Eastern folks that are stealing baby formula from our local supermarkets and selling it to the WIC program.

Well, my first reaction would be the reaction I would think of most Americans, and that was, gee, whiz. I mean, do you guys not have anything better to do than go out and investigate shoplifting? But knowing that he was part of an undercover task force, I figured he had something to say, and I said, well, how big a deal could that be, Lieutenant?

He said, well, Judge, here in Houston it is about $1 million a month.

And I said, good Lord, $1 million a month for baby formula?

He said, yes, sir; and, you know, it is not against the law to possess baby formula. It is against the law to possess narcotics and dangerous drugs, but it is not against the law to possess baby formula. So if we catch a guy with a trunk load of baby formula, we cannot do anything to him. But we know what he is doing. He is stealing this formula, and he is selling it to the WIC program to the tune of about $1 million a month. In fact, the estimates are that in Texas alone it is $1.5 million a month Statewide.

He said, we have followed this group to Phoenix, Arizona. We have followed them to New Mexico, although I do not remember which town in New Mexico; to California, San Diego and Los Angeles. They have an operation in each one of those towns, to the possible tune of $30 million a month Nationwide. I was shocked.

And he said, we also have evidence that this is being used to fund terrorism.

Now when you want to talk about waste, fraud, and abuse, how much more fraudulent could it be than stealing from the mouths of our children and the poorest of our Nation, taking away a program that was designed to help poor mothers feed their babies, stealing from them, and letting a government agency be a fence for that purpose?

I asked him, I said, have you talked to the people in the WIC program? He said, yes, I have explained to them that they should not be buying this stuff off the street, that buying it off the street was fencing for criminal activity.

□ 2000

And he said, ''Well, they do not see the seriousness in it.''

Mr. Speaker, those of us who have been in criminal justice in this country have sent people to the penitentiary for a whole lot less than stealing a million dollars a month. I, for one, have done that on several different occasions.

It shocked me so that I am proud to let my colleagues know that in H.R. 3873 I got an amendment which now requires that the WIC program have certified vendors that they buy this product from. But when our government has risen to the size that it has risen, that it misses that kind of waste, fraud, and abuse; we have got a serious problem. And yet the other side of the aisle, the Democrats, want to raise our taxes to grow a bigger government, a bigger government that in many instances the right hand does not know what the left hand is doing.

For that reason, I honor the members of Waste Watchers for the hard work they are doing trying to be watch dogs.

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WHAT IS THE OCEAN'S ROLE IN CLIMATE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. GILCHREST) is recognized for 5 minutes.

Mr. GILCHREST. Mr. Speaker, what I would like to do to the Members assembled here tonight is to give a perspective on whether or not to some degree the climate on the planet is changing based on observational techniques by U.S. scientists.

What I would like to do as far as this perspective is concerned is to say about 500 years ago people thought the world was flat until there was observations and exploration. And through those techniques, Columbus, for example, it was discovered that the Earth was round. Galileo, the scientist, said that the Earth revolved around the Sun. As a result of that, he was put in prison and his life was threatened because at the time the religious doctrine was that the Sun revolved around the Earth because it was not mentioned in the Bible that it was the other way around. But then through certain techniques and observation, scientific discoveries, more information being disseminated, we realized that the Earth revolves around the Sun.

The other interesting perspective about 100 years after Galileo was a man named James Usher, a bishop in Ireland, said that the Earth was formed in 4004 B.C. but that was before we had the science of geology, geologic techniques. And through a series of information-gathering, it was discovered that the Earth was several billion years old. In fact, we did not realize how old it was in the extent of the universe until the Hubbell spacecraft.

Now we have this thing called climate change. And there is a great deal of discussion on that, whether or not there is climate change or whether there is not climate change, can humans impact the Earth so that the actual climate will change.

What I would like to go through very briefly are some observational discoveries about planet Earth. For example, the oceans cover 70 percent of the surface. The oceans store 1,000 times more heat than the atmosphere. The ocean transports about 50 percent of the energy it receives from the Sun. It transports that. That means if you look at

the heat that hits the equator, and the oceans have a current and they move that, that heat is moved to the northern latitudes and that moderates temperature so that it is not that cold. In the northern latitudes, the high latitudes, since the ocean currents move back the other way, some of that cold is moved down toward the equator, and it moderates the heat at the equator.

As a result of those ocean currents, the Earth, as we know it now, 21st century, has a heat balance that we are used to. But that heat balance throughout the geologic time has changed many, many, many times.

So what are the observations of the ocean? There is increased salinity as a result of some of the warming trends that the Earth has experienced in the last 100 years, and there has been a warming trend. There might be some dispute about how that warming trend has impacted, but there has been a warming trend.

We could look at some of the impact of the warming trend since in the last 50 years we have put more CO_2 back into the atmosphere than what it took nature millions of years to lock up in the form of CO_2 trapped in fossil fuel deep under the ground. If you looked at a map of the United States at night, you could see all the lights, you would see one long consistent trail, which actually is about 24 hours, from Florida to Maine of automobiles on Route 95. From Florida to Maine we would see this crease.

You will see it in all the major cities, whether it is Miami, Chicago, Pittsburgh, Los Angeles, et cetera, et cetera, and New York City certainly, Philadelphia, Baltimore, Washington, Houston, Dallas. We are spewing more CO2 into the atmosphere than the Earth's ability to absorb that and process that so we have that same balance.

We have seen a change. This kind of change in the balance or the makeup of the atmosphere has not been seen on planet Earth based on scientific ice core analysis for 400,000 years. So we see a salinity change around the equator in the ocean currents. We see elevated evaporation rates around most of the oceans because of the warmth, warming trend. We see increasing freshening of the ocean water in the northern latitudes, consequently changing the direction of these currents. And through these observations, we find some interesting perspectives that need more research on climate change.

WASTE FOUND WITHIN THE PELL GRANT PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. KLINE) is recognized for 5 minutes.

Mr. KLINE. Mr. Speaker, as another member of the Washington Waste Watchers, I would like to take this opportunity to highlight just one example of what we are now learning to be the vast amount of waste throughout our Federal Government. Unfortunately, no Federal agency is immune to this waste, even those that are implementing the Nation's most important Federal programs.

One particularly troubling example of waste is found within the Pell grant program. $336 million in Pell grants were improperly dispersed to applicants that understated their income in 2001. Let me be clear, American taxpayers spent $336 million in Pell grants for applicants that were not eligible.

Not only does this represent a terrible misuse of taxpayer dollars, the expenditure of these funds denies the legitimate financial assistance provided by Pell grants to the thousands of students who truly need and deserve this help.

Mr. Speaker, we belong to a Congress that has brought unprecedented increases in Federal funding to our schools. Yet the administrators in my district continue to ask why have I not seen that money. I should not have to report to the administrators, teachers, and parents in Minnesota that the money they need to provide the quality education our children deserve is not available because it has been wasted by an inattentive Federal bureaucracy.

We have got to put an end to this harmful waste. Unfortunately, some of our colleagues on the other side of the aisle would prefer to ignore this waste and simply complain about, quote, lack of funding for Pell grants. Rather than crack down on the ineffective bureaucracy responsible for this waste, they would like to create more funds by raising taxes on hard-working American families.

My colleagues and I in the Washington Waste Watchers have a more responsible approach. It begins with eliminating the waste in government spending and creating more efficiency in Federal programs.

The budgets passed by the House Republicans both last year and this year make great progress toward our goal of eliminating waste. Last year's budget led to a report that highlighted between $85 and $100 billion of wasteful spending. This year's budget instructed committees to reduce or eliminate the most egregious examples of waste.

Mr. Speaker, American taxpayers deserve better than to have their hard-earned paychecks squandered by an irresponsible bureaucracy in Washington. I ask my colleagues on the other side of the aisle to join us in creating a better Federal Government, not making it bigger through more tax increases, but helping us to expand services for those who truly need them by eliminating the waste.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

(Mr. WYNN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BONNER) is recognized for 5 minutes.

Mr. BONNER. Mr. Speaker, Monday December 8, 2003, was truly a historic day for millions of Americans, especially our senior citizens. During the long anticipated and much planned for ceremony at the DAR Constitution Hall here in our Nation's capital, President Bush signed into law the conference report on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

This event, attended by lawmakers from both sides of the aisle, as well as from both Chambers here in this building, was a landmark moment in the history of the Medicare program. It marked the culmination of years of effort by Members from this Chamber, as well as by some of our colleagues in the other body.

Make no mistake, the revisions to the Medicare program will provide great benefits to the senior citizens of this country who need the help the most. By signing up now for the new prescription drug discount card, seniors will be eligible for at-the-register savings of between 10 and 25 percent today. Soon, 75 percent of the drug costs of up to $2,250 will be covered by Medicare; and before long, catastrophic coverage of up to 95 percent will take effect for amounts over $3,600.

This new plan includes incentives for employers to keep their current employees enrolled as well as retirees under their existing plans as well as employers who will be able to include new provisions of this Medicare plan, the expanse of which is in their new plans.

In my home State of Alabama, the Medicare program will assume responsibility for the prescription drug cost of nearly 140,000 seniors who are currently eligible for both Medicare and Medicaid coverage.

Mr. Speaker, the revisions to the Medicare program are more extensive than can be covered during the time we have this evening, but there is also one important fact to remember: this plan is purely voluntary. Many Americans may well be satisfied with the coverage that they currently have, and they do not have to do anything. They can stay where they are. Senior citizens have the right to choose whether or not they want to enroll in this important new program. Unfortunately, with all of the great news about this new program, many American seniors have failed to take action at this point largely because there is still confusion about the specifics of this program.

In a survey conducted in my district just recently, residents were asked how they felt about the new Medicare prescription drug plan. Sixty percent of those questioned said that they actually approved of the measure, although many did have additional questions

and reservations about specific parts of the plan. Nearly 30 percent were not sure how they felt or had no opinion at all.

In a series of town hall meetings I recently had in my district in south Alabama, I received more questions regarding this plan and how it would impact the seniors in my district and their families. These questions and the survey results are not surprising. Such sweeping changes in a program as important as Medicare, which has basically remained consistent since its inception since the 1960s, undoubtedly has caused some confusion.

In an effort to help answer some of these questions and help clear up some of the clouds of confusion that exist, I will be hosting two senior citizen seminars on Monday, June 7, in my district in south Alabama. The primary focus of these events is to focus the attention on the Medicare bill.

I am pleased that representatives from the Department of Health and Human Services will be in attendance to help answer questions, as well as my friend and our colleague, the distinguished gentleman from Georgia (Mr. GINGREY), who will also be on hand to discuss this important issue. Before beginning his outstanding service here in the Congress, the gentleman from Georgia (Mr. GINGREY) was a practicing physician. And he is well qualified not only as a legislator but also as someone who has participated in the medical profession for so many years of his life.

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Moreover, I have representatives from the Social Security Administration as well as the Department of Veterans Affairs to answer other questions that are pertinent to our senior citizens at this twilight of their lives.

My hope is that these two seminars, the first in Fairhope, Alabama, and the second in Mobile, will do much to provide useful information to help answer questions that are so important and so timely.

Mr. Speaker, I would encourage my colleagues on both sides of the political aisle to do likewise in their district, to try to reach out and help explain some of the questions that still exist with this new law. The assistance this program is providing is desperately needed by our senior citizens.

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

(Mr. KIND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. TERRY) is recognized for 5 minutes.

(Mr. TERRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON of Indiana addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HONORING OUR CONGRESSIONAL PAGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, it is my sincerest pleasure that I rise to recognize and compliment the congressional pages that will be ending their term of service this week.

The House pages have made up the critically important staff that has kept the House floor running smoothly for over 200 years. This 2003–2004 school year pages were selected from hundreds of applicants following an incredibly competitive process that scrutinizes their individual achievements in academics, leadership, and complement to social and civic service.

Page duties include delivering all types of correspondence and legislative materials throughout the Capitol and House office buildings, answering phones in the Members cloak room, relaying messages, flying flags over the Capitol, and preparing the House floor for session and many other duties.

These pages have spent their entire junior year of high school in Washington, D.C. living, taking classes, and working for the House. The typical day of a page begins very early at 5:45 a.m. or 6 a.m. to eat breakfast prior to attending classes for school at 6:45 a.m. At 10 a.m. their legislative work day begins and lasts until the House adjourns in the evening and sometimes into the wee early morning hours. These individuals, I think, Mr. Speaker, have demonstrated their true commitment to playing an important role in our Nation's future by learning and working here in the Nation's Capitol.

We honor those pages that have shown the same generosity of spirit and depth of intelligence and capacity for human service that is so important of our leaders. These exceptional students have consistently displayed their dedication, intelligence, and concern throughout their time as a page in Congress. They stand out among their peers not only because of their many achievements but also the disciplined manner in which they meet all challenges.

I compliment the administration and those that have guided these pages. And although these pages have already accomplished a great deal, these young people possess unlimited potential. The House pages are young men and women of character, ambition and initiative who have made a significant contribution to the United States House of Representatives and have learned well the value of hard work and commitment. Their efforts and dedication are very much appreciated and our very best wishes bestowed upon them in all of their future endeavors that I am sure for some will include elected office, including Congress. I suspect all will be leaders in their community.

On behalf of the United States House of Representatives, we extend our thanks and our highest praise and congratulations to each congressional page.

AMERICA NEEDS AN ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise tonight to ask the question, How long can America afford to not have an energy policy in place?

For many years we had cheap energy in this country. We had oil for over a decade at about $10 a barrel and natural gas around $2 a thousand, but that has all changed.

Today we have oil constantly popping past the $40-per-barrel mark. The natural gas that we were putting in the ground today for next winter's heating $6.47 a thousand. Last year the world was shocked when we put it in the ground at $4.60 a thousand for the next heating season during the winter.

The question I ask again and again is when will we put an energy policy on the President's desk so he can sign it? He is the first President to continually ask Congress for an energy policy, an energy plan. Other Presidents ignored it. We have an education policy, but no energy policy. We have a defense policy, but no energy policy. We have an ag policy, but no energy policy. A transportation policy, an environmental policy, trade policies, but no energy policy.

I live within 5 miles in Pennsylvania of Drake's Well, the first oil well which was drilled in 1859; and when oil was discovered, it changed the world. It brought about the industrial revolution and the modernization of our society, and today the world consumes 80 million barrels daily. We use about one fourth, 20 million barrels; and our use continues to rise.

The alarming fact is that China and India are now growing faster in energy use than us and competing with us for foreign oil. And as the world economy begins to really grow, and it is, the demand continues to rise. Our problem is 50 percent of our oil comes from unstable parts of the world. We have no control over oil prices. We have no control over energy costs. And coupling that problem with the natural gas issue, which is new, just a few years ago it was $2 a thousand. Today, they continue to sky rocket. Four years ago, it was less than 3, usually 2-something. Last year, we were putting in the ground at $4.70 at this time of the year.

On the average of almost $6 over the year. Today we are putting it in the ground for next year at $6.47, and some think gas will be 7 to $8 a thousand this winter.

The problem that raises is that we are not competitive. Europe pays $3.70 a thousand. North Africa $1.20; all the others are under that. So the rest of the world has natural gas much cheaper than us.

Now, what is that doing to business in this country? It is eliminating the fertilizer business in this country as we speak. You cannot afford to make fertilizer in America because they use it as an ingredient and as a fuel. It is harming the petrochemical industry, which is quickly moving to Europe. Polymers and plastics and anybody that heats, bakes, cooks, melts or dries products with natural gas has a problem. We produce 85 percent of our natural gas in this country. We import 14.5 percent from Canada; a percent and a half of liquefied natural gas from numerous parts around the world; and we export about 1 percent of our gas to Mexico.

A decade ago, a moratorium was removed on the generation of electricity with natural gas. I think it is an issue that really needs to be debated again today. At that time, 8 percent of our natural gas was only allowed to be used for peak power, in the morning and evening time when we need that extra surge. But when they removed that moratorium, in a few short years 25 percent of the natural gas in this country is now used to generate electricity.

We have 1,000 rigs drilling, a number higher than most, than normally, but the shortage remains. All of the gas-rich areas in America are off limits to drilling, many legislatively. It has been prohibited to drill the east and west coast offshore. Around the Florida coastline where there is lots of gas, it is off limits. Forty percent of the gulf, and we know the rest of the gulf is rich with gas because we get a lot of it there, is off limits to drilling. Sixty percent of the Midwest, which is owned by the Federal Government, much of it is off limits to drilling or it takes years to get a permit.

We must somehow figure out if we are going to use natural gas to generate electricity, how we replace that supply because we are threatening homeownership, we are draining commerce, and we are threatening industries in this country that particularly use a lot of natural gas.

The question I ask again, Can we afford to float down the river aimlessly with no plan of action, no energy policy on the President's desk?

Yes, we must conserve and we must use energy more wisely and we must promote renewables, but the growth has not been there. Wind and solar are only used part of the time so you have to have an abundant source. America needs an energy plan. It needs to be on the President's desk tomorrow.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BOGUS COLLEGE DEGREES COST GOVERNMENT DEARLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. CHOCOLA) is recognized for 5 minutes.

Mr. CHOCOLA. Mr. Speaker, tonight I rise in support and cooperation of my colleagues, the Washington Waste Watchers, who were here earlier this evening.

I unfortunately come to the floor tonight to share another example of wasted taxpayer dollars. Mr. Speaker, according to a report released by the General Accounting Office in May, taxpayers have paid hundreds and thousands of dollars and, in reality, probably much, much more for Federal employees to obtain bogus degrees from unaccredited postsecondary schools, also known as diploma mills. These so-called diploma mills sell academic degrees based upon life experience, sometimes based on negligible academic work, and some require no academic work at all. They simply sell degrees for a price.

The first 2 days of congressional hearings on fake degree-granting institutions, the director of GAO special investigations testified the data collected on just two of those diploma mills show Federal payments of almost $170,000 for bogus degrees. He also said the number is likely an underestimate, even for those two institutions; and he expects a broader investigation of nearly 140 known diploma mills would reveal many more cases of federally financed phony degrees.

The GAO report found that 463 Federal employees, including 28 senior-level officials, have listed diploma mill degrees on their resumes. And one of those senior-level officials even received a Federal tuition reimbursement of nearly $2,000 in connection with a phony degree from a bogus school.

Mr. Speaker, Democrats want to raise our tax to pay for more of this. That is just the tip of the iceberg because the GAO only received data from eight government agencies. The other agencies could not even respond to the inquiry. As an example, the Department of Health and Human Services told the GAO that it could not produce records of employee education payments because it maintains records in five different accounting systems. It has no way to differentiate academic degree payments from other types of training and does not know whether degree payments made with credit cards are even captured in its payment records.

What is worse, Mr. Speaker, is the taxpayers have given these fake-degree employees a raise. Now while their managers contend that their promotions were based on experience and not education, the GAO does not buy it and neither do I.

Mr. Speaker, developing simple standards for assessing the degrees used as credentials by Federal employees in determining which degrees, if any, the Federal Government should pay for, these agencies could have saved hundreds of thousands of taxpayer dollars.

Mr. Speaker, it is time for the Federal Government to clean up its act. It is time to hold Federal employees accountable for its actions. And by eliminating this type of waste, fraud and abuse government-wide, we can save the taxpayers hundreds of billions of dollars.

Finally, Mr. Speaker, our measurement of success here in Washington should never be how much we spend, but simply how well we spend taxpayer dollars.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IRAQ WATCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes as the designee of the minority leader.

Mr. DELAHUNT. Mr. Speaker, we are here tonight, several of my colleagues will be joining me for our weekly hour that we describe as the Iraq Watch, which reviews issues of interest and concern to Members on both sides of the aisle as well as the American people.

But before we begin talking about events of the past several weeks in Iraq, Afghanistan, in the Middle East, I was conversing earlier with my colleague from the State of Washington (Mr. MCDERMOTT) regarding some of the statements given earlier on the floor by our colleagues and friends from the Republican side of the aisle. And I want to commend them and congratulate them for taking this issue of waste and fraud and abuse seriously.

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I understand that they are describing themselves as waste watchers. I can assure them that we will work together with them. We will cooperate and we will collaborate. Because, as the gentleman who last spoke indicated, it is absolutely essential that we use taxpayers' dollars efficiently, honestly and bring the highest possible return on the investment of those dollars in the American people.

In fact, I am really pleased that this is happening, and I dare say if our Republican colleagues reach out to Democrats that we will join with them and

make this a bipartisan effort. I would simply note that it is late in coming, however, because I think it is important to underscore who has been running the government here for the past 4 years.

I am joined by my friend from Pennsylvania (Mr. HOEFFEL); as I indicated earlier, the gentleman from Washington (Mr. MCDERMOTT), my colleague and friend; and, of course, the gentleman from Washington (Mr. INSLEE) and an original member of the Iraq Watch; and maybe I could pose a question to him.

Is it the gentleman's understanding that President Bush, who is a Republican, has served in that capacity for some 3½ years?

Mr. INSLEE. Mr. Speaker, would the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, that is one of the best rhetorical questions the gentleman has ever posed and very successfully; and it is accurate that the Senate and the House are now under the control of our friends, the Republicans, for the last 2 years.

Mr. DELAHUNT. So is it true that the Republicans became a majority in this particular branch back in 1994? I was not here in 1994. I think the gentleman from Washington (Mr. MCDERMOTT) was here in 1994. But who has been setting the agenda and running the House of Representatives since January of 1995?

Mr. INSLEE. Let me answer that and quickly segue to tonight's discussion. The presidency is under control of the Republican party, the Senate is under control of the Republican party, the House is under control of the Republican party, and if there is waste, fraud or abuse, it is under the watch of the Republican party which controls the government of the United States.

Our Republican friend speaking this evening talked about waste, fraud and abuse. Let us cut to one of the most onerous, glaring, enormous, stunningly scandalous waste, fraud and abuse that the Bush administration, with Republican support, has supported, and that is that they have given almost $40 million of taxpayer money to Mr. Chalabi and his Iraqi National Congress who tonight stands accused of giving away some of our most secret information to Iran.

This President, amongst the many mistakes that he has made, squandered almost $40 million in waste, fraud and abuse, taking the money from American taxpayers and giving it to this fellow that he told us was going to be the ''Spartacus of Iraq.'' We were told by the Vice President that we would be welcomed as liberators, with rose petals, and that this administration believed with Richard Pearl and DICK CHENEY and the whole group of them and Paul Wolfowitz, we have heard them described as the neo-cons. They are neo-cons, and they allowed Mr. Chalabi to con this administration out of $40 million, and we have not got a penny back.

Now, we 2 weeks ago, I think, tonight, held a meeting here on the Iraq Watch, and we blew the whistle on Mr. Chalabi loud and clear. Interestingly enough, the next morning, we were advised that the administration had finally cut off this spigot of taxpayer money to Mr. Chalabi. A week later, we find out that he is under investigation; and they have now raided his offices to find out if, indeed, he did give this secret information to Iran.

I just am encouraged, I suppose, that our Republican friends want to root out waste, fraud and abuse. It would have been nice if they had joined us in blowing the whistle on Mr. Chalabi months ago when we had been saying that this whole plan was based on a house of sand.

Now the administration, just to make sure people understand what happened here, Mr. Chalabi and his allies gave phony information about weapons of mass destruction. The neo-cons in the White House and the Defense Department bought it hook, line and sinker. They convinced the President, who apparently did not need much convincing, that we would just send Mr. Chalabi in there and he would be, as I said, the new Spartacus of Iraq, the De Gaulle of Iraq.

So what did we do? We put him on the payroll of one of the biggest welfare programs ever, to the tune of $40 million, and we flew him and 800 of his closest co-conspirators into Iraq about 4 days after the invasion, 2 days after the collapse of the Iraqi Army, thinking he was going to be our agent. It was a total scam, and the American taxpayers paid for it, and he is the worst case of waste, fraud and abuse.

Mr. HOEFFEL. Mr. Speaker, would the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Pennsylvania.

Mr. HOEFFEL. Mr. Speaker, is the gentleman from Washington (Mr. INSLEE) aware of how Mr. Chalabi allegedly got the information that he allegedly shared with the Iranians?

Mr. INSLEE. Well, I know, but I would like the gentleman to articulate that, actually.

Mr. HOEFFEL. It is my understanding that the fact that the Iranians have an intelligence code in order for them to communicate secretly amongst themselves, that that code was broken by America, and we were able to know exactly what the Iranians were doing in Iraq with their agents in Iraq, and that that is the information that Mr. Chalabi allegedly gave to Iran, which is your code has been broken.

The question is, how did Chalabi know? Well, he is under investigation and members of the Bush administration are being investigated because somebody had to tell Chalabi that the Americans have broken the Iranian code.

Mr. INSLEE. And Mr. Chalabi in the press reports said, well, somebody in the agency of the United States government told me when they were drunk, and this guy who had the President give $40 million to then disclosed some of the most sensitive information possible, that we have broken the Iranian code.

Mr. HOEFFEL. Do not forget that the President sat Mr. Chalabi right behind Mrs. Bush in this year's State of the Union address, right up there in that balcony 4½ months ago. There he sat in all his double-chinned glory, Ahmad Chalabi, directly behind the First Lady of the United States in the seat of honor 4½ months ago.

Mr. INSLEE. What is so disturbing about this, at least to me, is this is almost a pattern of this administration blowing Top Secret security information. They did it through Mr. Chalabi, although perhaps unintentionally. They did it blowing the cover of a CIA agent in order to punish Joe Wilson, the ambassador who blew the whistle on the falsehood that the President gave in his State of the Union speech. Is nothing sacred? Is nothing sacred in our security information? This administration needs to be held to account.

Here we have a situation where the President of the United States okayed $40 million of taxpayer money going to this scam artist who had already been convicted of bank fraud in Jordan and could not set foot back in his home country because of his previous conviction. We have a situation where this information was found out to be totally false, all of it. We started a war based on this false information.

And how many people have the President fired as a result of this scandal, as a result of this failure? How many people has he let go? How many heads have rolled in his administration to have accountability for this Chalabi debacle? Zero. Zero. This President has shown zero accountability throughout this entire mess, and the only people he has fired are those who are the ones who have told the truth, General Shinseki and Richard Clarke.

Mr. DELAHUNT. And Paul O'Neill.

Mr. INSLEE. Paul O'Neill. He punished Joe Wilson's wife.

Mr. DELAHUNT. Larry Lindsey, and the role of those who disagree, who were independent thinkers, there is a lengthening list.

But I dare say that future generations could very well look back on this particular moment in our history and Ahmad Chalabi would have a very special status. Because, as the gentleman indicated, Mr. Chalabi is very skillful, has a sordid history, if you will; was convicted of embezzlement in the Nation of Jordan; was sentenced in Jordan, an erstwhile ally of the United States when it comes to the war on terror and an ally of the United States in an effort to resolve the Israeli-Palestinian issue; was sentenced in a Jordanian court to some 22 years.

At a meeting that the gentleman from Pennsylvania (Mr. HOEFFEL) and myself and others had with King

Abdullah, I posed the question, was the king, our friend, our ally, ever consulted before Mr. Chalabi was named to the now-defunct Iraqi Governing Council? And his response was a terse no. I found that very disturbing because he went on to say that we, meaning the Jordanians, the Lebanese, have serious problems with Mr. Chalabi.

Well, I think what we are discovering is that we have serious problems with Mr. Chalabi. Mr. Chalabi has become an embarrassment to this administration.

The gentleman from Pennsylvania (Mr. HOEFFEL) indicated earlier that he sat in the gallery to my left while the President delivered the State of the Union address. He sat directly behind the First Lady.

Mr. Chalabi has a relationship with the President of the United States. One only has to see, Mr. Speaker, this picture. It is my understanding that the President, who is dressed casually here, on his trip during Thanksgiving to visit the American servicemen there, and we applaud him for that, is pictured here with Mr. Chalabi, Mr. Chalabi who provided false intelligence, according to reports emanating from the Department of State and from the CIA, which led this Nation into war. It was defectors whom Mr. Chalabi brought to the administration's attention which talked about weapons of mass destruction, which talked about links with al Qaeda, which talked about links with Osama bin Laden, all of which have been proven to be patently false.

It is very disturbing when we reflect and think that this false information was utilized in the course of the debate on the resolution authorizing war and was never questioned by the White House, by the President, by Vice President CHENEY, by Mr. Wolfowitz, by Mr. Douglas Fife and by Mr. Pearl, who at that point in time served on the Defense Policy Board. That information was simply accepted because they were, in my opinion, looking for facts to support their desire to go to war against Iraq.

And here we are. Today, a front page story in the New York Times that, if this is true, this will represent, in my opinion, a scandal that will rock this Nation.

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Not only, Mr. Speaker, were we given false information and false intelligence, but now we read in The New York Times that Mr. Chalabi, and let me quote for a moment before I defer to my colleagues: ''The Iraqi leader and former ally of the Bush administration disclosed to an Iranian official that the United States had broken the secret communications code of Iran's intelligence service, betraying one of Washington's most valuable sources of information about Iran, according to United States intelligence officials. They said about 6 weeks ago, Mr. Chalabi told a Baghdad station chief of Iran's Ministry of Intelligence and Security that the United States was reading the communications traffic of the Iranian spy service, one of the most sophisticated in the Middle East.''

If that be true, we have been betrayed. It was this President, George W. Bush, standing beside Mr. Chalabi in this very House during the course of a State of the Union address, who used that term ''axis of evil'' when he spoke of Iraq, when he spoke of North Korea, and when he spoke of Iran as being three members of that axis of evil. And here we have, according to The New York Times, and Mr. Chalabi has to be given an opportunity to respond, like the administration has to be given an opportunity to respond, to this absolutely outrageous potential alleged act of treason against the American people. It cannot stand.

Mr. INSLEE. And, Mr. Speaker, if my colleague will yield, another thing that cannot stand is this administration essentially sort of pooh-poohing the enormity of this disaster of relying on Mr. Chalabi.

There are two groups that have suggested it is of no consequence, one of which is Mr. Chalabi. He was interviewed in a major newspaper sometime ago and the article said ''an Iraqi leader accused of feeding faulty pre-war intelligence to Washington,'' and that is Mr. Chalabi, ''said yesterday his information about Saddam Hussein's weapons, even if discredited,'' meaning wrong, meaning false, ''had achieved the aim of persuading America to start a war.''

Mr. Chalabi has just kind of laughed off the fact that his false information caused America to start a war in which over 700 Americans have died. To him, that is okay because he described himself as a ''hero in error.'' Hero in error? Here is a man who took $40 million of taxpayers' money, gave us apparently willfully, according to Colin Powell, Colin Powell says willfully deceptive information, and started a war in which 700 Americans have died, in which thousands have been terribly wounded; and he describes himself as a hero. Well, he is no kind of hero in this Chamber or in my district or any district in this country.

But he, apparently, is still on some kind of a little bit of a working relationship with the Bush administration. How do I know that? Well, we have paid the man $40 million, and I have not heard the President of the United States say ''give the taxpayers that money back.'' I have not heard the President of the United States say, ''Mr. Ashcroft, go get that $40 million back; this man started a war, gave me false information.'' Still, with apparently now, or maybe people around him cooperating with the Iranians and breaking our security information, I have not heard the President say to go get that $40 million back.

What I have heard the President say, and what this administration has done, although the President says it was not with his approval, but he said, and there is a certain irony here, in the speech where the President of the United States had Mr. Chalabi sitting up in back of the First Lady, up there in the second row, at that very same speech where the President gave the American people the falsehood that Iraq was buying uranium from an African country, we now find out that was false. And we know it is false, because Ambassador Joe Wilson, who worked for the first President Bush, blew the whistle on that falsehood and indicated that that was not true. And what was the response of the administration? They blew the CIA cover of Joe Wilson's wife in an attempt to destroy her career with the CIA.

So here you have a situation where this administration has squandered $40 million of taxpayers' money and has not lifted a finger to get it back, even though that created a fraud which started a war, which destroyed the career of the person who told the truth about the falsehood that Mr. Chalabi got the President to tell the American people.

This is kind of an Alice in Wonderland moment, it seems to me, where the truth-tellers are punished, and the President still says go ahead and keep your money, I guess, that we gave to Mr. Chalabi. Something is wrong with this picture.

This administration has failed to come to grips with the multiple mistakes it has made in Iraq. And until it faces the music and admits the multiple mistakes it has made, we will continue to make them.

Mr. HOEFFEL. Mr. Speaker, I admire the fervor that my colleague from Washington has for pointing out the truth about the failings of Chalabi; but the point he just made is a lot more important, frankly, than the fun we are having piling on a guy like Chalabi, who is clearly a fraud, clearly a spinmeister, the kind of guy that my grandfather would have called a floor flusher. To meet Chalabi, as I did once, is to understand that the guy is just full of hot air.

But the question that my colleague poses to us tonight and to the Congress is, why did other people in the administrations not figure this out? And why are those who made mistakes not being held accountable for those mistakes? Because it would be a great injustice if we were to allow anybody watching tonight to get the impression that the problems of our policies in Iraq were solely the fault of Chalabi giving us bad information. He did give us bad information; and I believe, as Colin Powell believes, that it was willfully done, and he ripped us off for $40 million. And the passion of the gentleman from Washington on the subject is admirable, but the fact of the matter is, why did so many people in the administration believe what Chalabi had to say?

It seems to me that he was telling them what they wanted to hear, and

they did not listen to his information and apply a critical eye to it. I know that the CIA has been skeptical of Chalabi for years. I know the State Department has been skeptical of Chalabi for years. But the civilian leadership of the Pentagon, Mr. Rumsfeld, Mr. Wolfowitz, Mr. Feith, along with the support of the Vice President, Mr. CHENEY, bought Chalabi's lies hook, line, and sinker. It is because he was telling them, in my judgment, what they wanted to hear.

They honestly believed that we would be treated as liberators and not occupiers, and they made one policy mistake after another that has led us to where we are today after a year.

Mr. DELAHUNT. Mr. Speaker, if my colleague will yield to me, does this not just come down to basic incompetence?

Mr. HOEFFEL. Oh, it absolutely does.

Mr. DELAHUNT. I mean, no one is questioning or raising at this point in time malice or inappropriate intentions on the part of those policymakers, but it is almost beyond comprehension to believe that they would have fallen for the likes of Ahmad Chalabi.

I mean, in a recent Newsweek magazine, the May 31 edition, it says it all: ''Bad intel and broken trust. Ahmad Chalabi and the road to war. Our con man in Iraq.'' We were being conned, if you accept the validity of these allegations made by intelligence officers.

Mr. HOEFFEL. But, Mr. Speaker, I must tell my colleague that not everybody was being conned. The CIA saw through Chalabi, the State Department saw through Chalabi, and yet the civilian leadership of the Pentagon did not.

Mr. DELAHUNT. Exactly. And that is pointed out in this edition of Newsweek. Again, let me quote: ''Chalabi has not always charmed his patrons. His first run as a CIA asset in the early and mid-1990s was a disaster. His case officer did not trust him. There was a lot of hanky panky with the accounting. Triple billing, things that were not mentioned, things inflated. It was a nightmare, says a former U.S. intelligence official who worked with Chalabi.'' His quote. ''His primary focus was to drag us into a war that President Clinton did not want. But he had more luck with a group of Republican hard-liners who formed a kind of government in exile, the so-called neoconservatives like Wolfowitz and Richard Perle and Doug Feith.''

As I said earlier, when we pause and think that we went to war in part because of information given by this individual standing with the President of the United States, and that we have lost how many men and women? The costs have exceeded already $200 billion, put aside the blood and the pain and the anguish that Americans serving in Iraq and their families have had to experience. This is outrageous.

And now we find on the front page of The New York Times, Mr. Speaker, a story claiming that he provided the most highly sensitive information to Iran, which, according to reports, is developing a nuclear weapons program, is being accused by the President of the United States as being a member of an axis of evil. What is happening? This is incompetence. These people are not running or managing this issue except in the most incompetent way. They are blinded by ideology.

Mr. INSLEE. If the gentleman would yield, I want to address why and how that happened. This incompetence, as the gentleman describes it, Mr. Speaker, was institutionalized. It was set up to be incompetent.

What happened here was the CIA had good reason not to trust the information they were getting from Mr. Chalabi, and they kept telling the White House that. But the people in this administration, if they have a belief, it must be right, and it really does not matter what the evidence is. So what they did was, Mr. Rumsfeld set up his own intelligence agency, heretofore never in existence in the Pentagon; and it was their special little intelligence shop which they staffed with the people who worked for the neocons, who were basically going to tell the neocons whatever they wanted to hear.

So when the CIA was telling them and the Air Force, for instance when the Air Force told them these aluminum tubes the President told us about were used to build a nuclear weapon, I think it was the Air Force told him, or the CIA, one of the agencies, I have forgotten which one now, they said that is not accurate. So they just went to the little Pentagon fiefdom of the neocons and said, sure it is. They got their yes men and made their yes men in control of America's foreign policy, and this has led to the loss of 700 American lives as a result.

□ 2100

Now what has this President done to bring accountability to that system? Has he changed the director of this Pentagon intelligence agency? No. Has he disbanded it? No. Has he taken away the washroom privileges of anyone in the Pentagon? No. Has he canned the Secretary of State? No. Has he changed the Director of the CIA? No.

The only thing he has done or his administration has done is to break the security secrecy of the identity of a CIA agent in order to punish the one man who told the truth about the falsehoods that the President gave the American people. That is the only person that has lost their job associated with this, except General Shinseki who also told the truth about needing several hundred thousand American troops to provide security in Iraq.

We are seeing that the first step to a successful Iraq policy is to admit the mistakes of the past, clean house and get some new, fresh ideas in Iraq. Clinging to these folks and these agencies which have been so wrong on Iraq so many times is not going to allow us to be successful in Iraq, is not going to allow us to bring our troops home in a reasonable period of time.

We are asking the President to finally demand some accountability; and if this Chalabi scandal does not wake up the President to this need, it is hard to imagine what will.

Mr. HOEFFEL. Mr. Speaker, it is not just that mistakes were made by American policymakers, and it is not just that Chalabi gave us bad information. The other part of the equation is that the ideologues in the civilian leadership, in the Pentagon and in the White House simplified, distorted, took information and twisted it in such a way as to persuade the Congress and the American people that Saddam Hussein had weapons of mass destruction and that we needed to invade to keep that part of the world and this country safe from attack.

Let us not forget the fact that the intelligence information being given to the White House in the fall of 2002, the Defense Intelligence Agency report of September, 2002, the National Intelligence Estimate of October, 2002, was not available to the three of us at that time when we had to vote but was made available to us 6 or 7 months later. Those intelligence reports given to the White House were replete with uncertainty and caveats about the weapons of mass destruction in Iraq.

Now, they were wrong apparently to even think they might have been there, although we do know Saddam Hussein had them in the 1980s. They were wrong to conclude that he probably had them, but the reports were saying we think he has these weapons of mass destruction. He probably has them. We have been told he has them.

None of that uncertainty was passed on to the Congress in public statements or private briefings that we all attended, or to the American people in the fall of 2002 when we were asked to vote on the war authority. We were told with complete certainty that Saddam Hussein had weapons of mass destruction and we had to go get them.

In fact, the one member of the administration who had the most credibility in my opinion, Colin Powell, repeated this didactic approach, these statements with complete certainty, 4 or 5 months later in February or March of 2003 when he spoke to the U.N. He identified where the weapons were. He showed us pictures. He told us how much they weighed. He has 500 pounds over here; he has such and such over there. They talked about those two mobile chemical labs on flatbed trucks. Colin Powell assured the United Nations and all of the world that these things existed. They did not.

The intelligence they were basing these statements on was full of uncertainties. They deceived us. They led us to war with deceptions, and we have to hold them accountable for that. It is not just the mistakes. It is not just Chalabi's lies. It is the fact that some in the Bush administration were willing to twist that information, and this

goes to the President himself, to get us to go to war.

Mr. DELAHUNT. And look where we are now. The rest of the world does not believe us. A recent poll was taken in Latin America among the economic elite, not the poor, the disadvantaged, the down-trodden, if you will. It was done in seven countries. In five countries, the negative opinion of President Bush exceeded 90 percent. The average was 87 percent. This hurts us at many, many different levels.

Now we are faced with a scandal of a magnitude that I dare say we have not seen since Watergate, where we paid somebody who was conning us, that was betraying us to a potential adversary in Iran that the President of the United States described as a member of the Axis of Evil Club. Now we have the President of the United States today, according to CBS, has sought the help of an outside lawyer to represent him in the probe into who leaked the name of a CIA operative to a newspaper columnist. Believing that Bush will be interviewed or asked to testify before a grand jury, White House officials confirm that the President has put a Washington attorney on hot stand-by, CBS reported tonight.

The gentleman from Ohio (Mr. STRICKLAND) is now joining us, our other stalwart member of Iraq Watch.

What we have here is a growing morass, if you will, of investigations, of embarrassment, of loss of prestige, of the erosion of our moral authority in the world. And, most importantly, in addition to costing the American taxpayers hundreds of billions of dollars, we are now putting our men and women who have performed so valiantly and professionally in Iraq, we are putting our military at risk, we are putting our national security at risk.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, first of all, I would like to apologize for showing up late. I was detained, but I am glad you have been here spreading the truth and letting the American people know the situation.

I am struck by the fact that right up there in the balcony during the President's address to this great body with all of the Representatives and Senators and the Supreme Court members and members of the diplomatic corps present, that Mr. Chalabi, who now has been disgraced, was seated right up there near the First Lady in an honored position as a guest of the President right here in the Chamber of the House of Representatives.

And we now know, sadly, that not only is he largely responsible for much of the misinformation that was used to take us into this war, and the gentleman is right, it is costing us from our national resources, from our national treasury, but what eats at me is the fact that more than 800 precious American lives have been lost in this war. We went into this war based on bad information received from Mr. Chalabi, this friend of the Vice President, a man who was getting hundreds of thousands of dollars from this government while he was betraying us, quite frankly, betraying us.

It hurts me to look up there at that seat in the balcony of this Chamber and know that at one time he was seated up there and he received the applause of this body as the guest of the President at the same time he was deceiving us, taking our resources and ultimately giving information to our enemies. This is a disaster. I think it is a disgrace, and I hope it is thoroughly investigated and we get to the bottom of those who are responsible.

It is about time that members of this administration took responsibility for what they have done, took responsibility, and I look forward to further discussion as the American people become increasingly aware of what has happened.

Mr. DELAHUNT. Mr. Speaker, I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I think responsibility is the right word, and I think what has been so stunning to us is the failure of the President to hold people and agencies responsible for their multiple foul-ups. This is not the way to run a railroad or a war, and other Presidents in other difficult circumstances have had the gumption and leadership to hold people accountable.

I had the honor of joining my dad, a World War II vet, at the dedication of the World War II Memorial this weekend. We were very proud of many people, including my father, at the dedication.

The memorial is a very moving place, and I encourage people to visit it. It is a very moving place. They have 4,000 stars representing our losses in World War II, and framing that wall of stars are two pillars, both of which have quotes from President Harry Truman.

I was talking to my dad, and he reminded me that Harry Truman did something. He held somebody who was very popular at the time accountable. He fired General MacArthur. It was an extremely controversial thing for the President to do. But he recognized in war you have to have accountability and responsibility.

There is nobody in this administration as popular as General MacArthur. I can guarantee the President that. And if President Bush had half the gumption of President Truman, he would fire some of these people tomorrow to send a message that we are not going to tolerate this incompetence anymore, and we are going to send a message to the world that we are going to be accountable to it as well.

Mr. DELAHUNT. Mr. Speaker, the gentleman has provoked a thought. What we have here is the absolute converse of what occurred back in the early 1950s. We have a professional military, a military that every American supports and a military that has conducted itself with valor and a military that all Americans can be proud of, but a civilian leadership that is incompetent. If we are ever going to win the war on terror, if we are going to defeat terrorism in this world, it is absolutely essential, as the gentleman said, for a new team.

I was at a hearing today in the Committee on International Relations which the gentleman from Pennsylvania (Mr. HOEFFEL) and I serve on. We all remember, it was a unanimous vote in this Chamber to go into Afghanistan and go after the real enemy, al Qaeda, the fundamental Islamists, eliminate them and reduce the threat. We had the support of the entire world. We had a genuine coalition.

Oftentimes, the French are castigated and denigrated on this floor, but if Members remember, it was the French national paper Le Monde that on September 12 said, ''Today we are all Americans,'' and now we have gone in another direction.

Members all know who Robert Novak is, an extremely conservative columnist, certainly not one who in most cases we would share the same viewpoint on a variety of issues, but here are his comments in a column he did recently. ''The handful of valiant American warriors fighting the other war in Afghanistan is not a happy band of bothers. They are undermanned and feel neglected, lack confidence in their generals, and are disgusted by Afghan political leadership. The overlooked war continues with no end in sight. Narcotics trafficking is at an all-time high. If U.S. forces were to leave, the Taliban or something like it would regain power. The U.S. is lost in Afghanistan, bound to this wild country and unable to leave.''

□ 2115

It is Special Services that is given the task of confronting armed narcoterrorists on a day-to-day basis.

Mr. Speaker, we are losing; not just in Afghanistan, but we are losing everywhere. This is a highly volatile, highly dangerous moment in our national history.

Mr. HOEFFEL. Mr. Speaker, if the gentleman will yield further, let me just add to the gentleman's wise comments.

We are at risk of losing in Iraq if we do not get security in that country. We all share the President's goals of creating a stable and peaceful Iraq with a representative self-government, hopefully a flourishing democracy. We all share that goal. But we cannot achieve that goal or any of the benchmarks without security. We cannot reconstruct that country without security, we cannot have a meaningful transfer of sovereignty on June 30 or any other day without security, and we certainly cannot have elections there without security. So we have not accomplished the fundamental task of this occupation.

The President keeps saying, well, we are going to turn things over June 30

and get out. Well, the military occupation is not ending, and it cannot end because the country is not secure, and it is not able to secure itself.

Mr. STRICKLAND. Mr. Speaker, if the gentleman will yield, part of the problem is we took the advice of Chalabi. It was because of information that he had given, apparently to the Vice President, that we decided we could go into Iraq with less force than we actually needed to bring stability to that country; and the result is well over 800 precious American lives have been lost, and more are being lost every day; and thousands of Americans have been terribly wounded and are being wounded every day.

We are going to have this handover, and the President boasts that that is a very large milestone in the history of this country. The fact is, the American soldier is going to be there, the American soldier is going to have a target on his or her back, and we are going to continue to lose soldiers and to have soldiers wounded.

Now, the President tries to set this up as a two-choice dichotomy. He says, stay the course, and those who question his policies want to cut and run. I do not hear anyone saying they want to cut and run. But neither do we want to stay the course, as the President has laid it out. We want to change the course. We want to internationalize and Iraqitize this situation. We want to give other countries some of the responsibility, have them carry part of the burden.

The fact is that I am tired of slogans when it comes to this war. I have talked to too many loved ones who have their sons or daughters or husbands over there fighting this war. I met with a number of them just yesterday, and they are terribly concerned, as they ought to be, and they are wondering what is going on, how long will my loved one be there, and are they being protected as much as possible while they are there.

I would just remind my colleagues that we continue to have troops over there driving around in un-armored Humvees. We finally convinced the other side of the aisle that we needed to put more money into that project, but soldiers are still being needlessly wounded, and, in some tragic cases, losing their lives, in part because we are not giving them the proper equipment.

Part of it is we were told there would be rose petals, they were going to welcome us as liberators; and much of it was based on the information that came from this Chalabi, a man who we now know was not our friend, in fact, was giving information to our enemies.

That is the sad truth. We cannot run from that truth. The administration needs to face up to the facts that they used bad information, they made bad decisions, and, as a result, we find ourselves in this quagmire; and we need to change course and move in a different direction.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman. I agree with the gentleman that we have probably heard too many slogans and that slogans do not really help resolve complicated problems. But I would say to the gentleman that we need to get more troops in Iraq, preferably international troops, so we can get security. That is essential. Then we can get elections and get an Iraqi government freely elected in charge so America can get out.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, if I can just for a moment speak to the issue of America's standing in this world. I am reminded of DeTouqueville when he came to this country, a Frenchman who toured the original 13 States, and he made this observation. He spoke of America's greatness, and he said America is great because America is good.

The world has always looked towards the United States of America, not just because of its military strength or its economic power, but because of our moral authority. Americans through the generations have earned that title, that title of ''American,'' because we are a moral and a good and generous Nation.

But that perception of the United States is changing. We hear a lot about oil and our motives in terms of why we went into Iraq.

I remember reading the book ''The Price of Loyalty'' that was done by an author regarding the experiences of Paul O'Neill, former Secretary of the Treasury. I would ask my friends on all sides of this particular issue to take the time to go to page 96, because I have been asking this question for months now, and I cannot get an answer. Maybe I am simply frustrated.

But at a meeting of the National Security Council on February 27, some 7 months before our national tragedy on September 11, this is Secretary Paul O'Neill, a highly respected Republican who served in the Reagan administration, who served under this President Bush's father, let me just take an excerpt and read it to you:

''Beneath the surface was a battle O'Neill had seen brewing since the National Security meeting on January 30, which was about a week after the inauguration. There was Powell and the moderates at the State Department versus hardliners like Rumsfeld, Cheney and Wolfowitz, who were already planning the next war with Iraq and the shape of a post-Saddam country. Documents were being prepared by the Defense Intelligence Agency, Rumsfeld's intelligence arm, mapping Iraq's oil fields and exploration areas and listing companies that might be interested in leveraging the precious asset.

''This was occurring weeks after the inauguration. There was a document entitled 'Foreign Suitors for Iraqi Oil Field Contracts.' It lists companies from 30 countries, including France, Germany, Russia and the United Kingdom, their specialties, bidding histories, and, in some cases, their particular areas of interest. An attached document maps Iraq with markings for super-giant oil fields, other oil fields, and earmarks for production sharing.''

So we wonder, we wonder why the perception of this great and generous Nation is now being attacked, is now being questioned.

Recently there was a survey done by the Pew Foundation, and it was particularly disturbing because many across the world doubt our motives and believe that our real intent is to control Mideastern oil. In Russia, 51 percent of that population believes that that was why we invaded Iraq; in France, 58 percent; in Germany, 63 percent; in Pakistan, 54 percent; in Turkey, 64 percent; in Morocco, 63 percent; and in Jordan, 71 percent. This, I submit to my friends, is most disturbing.

Then we have a report in Time magazine, all Americans by now are aware that DICK CHENEY, the Vice President of the United States, whom in Bob Woodward's most recent book, ''The Plan of Attack,'' is described as having a ''fervor for war.'' That was by Colin Powell. Colin Powell said that, not one of us. It now appears that Time magazine reports that an e-mail from the Army Corps of Engineers says that ''Douglas Feith, an Undersecretary of Defense, approved arrangements for the Halliburton contract, contingent on informing White House tomorrow. We anticipate no issues, since action has been coordinated with the Vice President's office.''

And we wonder why our bona fides and our motives are being questioned? What happens now when the rest of the world reads that information in a journal that is generally regarded with respect, that represents American thinking?

Mr. INSLEE. If the gentleman will yield, I want to just kind of recap some of the things we have talked about as to why we are so adamant that this administration change and improve its policies in Iraq. We have talked about some things tonight, but I want to talk about the 10 significant failures of this administration. I just want to recap them quickly as to why we feel so strongly, why we have been here every week. I want to list them quickly.

Failure number one: the President told us, ''Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction.'' That and his other statements, many others, were false. Failure number one.

Failure number two: they told us that they had clear and convincing evidence of the connection between Saddam Hussein and the attack, the heinous attack on us on September 11. Those statements were false. Failure number two.

Failure number three: they told us we would be greeted as liberators, with rose petals at our feet. Mr. Chalabi would be the Spartacus of Iraq. That statement was false.

Failure number four: they ignored clear evidence and clear advice from

General Shinseki and many others that we would need several-fold the number of troops that they gave to this effort in order to secure Iraq, and they ignored this clear advice. Why? Because they wanted to fight this war on the cheap so they would not have to pay for it. Well, we have suffered from their effort to fight a war on the cheap with a lot of dead good American people in Iraq.

Failure number five: they refused to involve the United Nations until maybe 2 weeks ago, when they finally went back on their knees to the U.N.

Failure number six: they refused to have elections.

Failure number seven: they had no command and control system on the prisoner camps.

Failure number eight: no armor.

Failure number nine: no plan to pay for this war.

Failure number ten: they gave $40 million of taxpayer money to a con man that got us into this war.

These are 10 failures, and they demand accountability from people in this administration.

PROVIDING LIFELONG OPPORTUNITIES FOR ALL AMERICANS

The SPEAKER pro tempore (Mr. FEENEY). Under the Speaker's announced policy of January 7, 2003, the gentleman from North Carolina (Mr. HAYES) is recognized for 60 minutes as the designee of the majority leader.

Mr. HAYES. Mr. Speaker, we have tonight the subject of lifelong learning and education, making sure that our friends, our families, and working people in America have careers, opportunities, and chances to have the financial rewards that come with being American.

But, first, I would like to yield to my friend and colleague, the gentleman from Kansas (Mr. TIAHRT), who I think would like to help with the rewriting of history and set the record straight on some comments made by our colleagues across the aisle.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from North Carolina.

Mr. Speaker, I wanted to spend just a little bit of time before we talk about how we are going to bring jobs back into America talking about the things we just heard about.

Now, a lot of the Democrats and liberals want to ignore what happened on September 11, 2001. They want to ignore that terrorists brought the war on terrorism right down home to America. It was an attack on America, just like Pearl Harbor was an attack on America.

□ 2130

They have forgotten that we are at war against terrorism, and it is on a global scale.

And what do the terrorists want? They want a Taliban-style society right here in America. They want us to lose our freedom. They want our women to lose their rights. They do not want our women to have any property. They do not want them to have any voting rights. They do not want them to drive without having a male partner with them. They want them to wear burqas and look out through a mesh.

This is a total change to what our western society is. If you just look at Fallujah where we tried to give those people in the terrorist organization a chance to peacefully surrender, we backed off, we allowed the Iraqis to go in, and what happened? Well, we have a Taliban-style government there. The women are threatened to wear burqas. The men cannot shave their beards anymore. What is at stake here around the world is our culture.

The liberals want the U.N. to take charge. We heard that just over the last hour. They want the United Nations to take over this battle. Well, let us look at the record the United Nations has.

In Cambodia, after we left Vietnam because of the pressure of the liberals, 2 million people died, another million in Vietnam. But the U.N. was in control. We should be comforted, we should be satisfied that they took over, where 2 million people died in Cambodia.

Rwanda, the U.N. turned a blind eye; and 500,000 people died in Rwanda.

Today, in the Sudan, there is a racist war going on where the Arabs are killing Africans. They are killing the black people. Nearly 100,000 people may be dead as of this point.

The U.N. cannot fight the war on terrorism. The U.N. cannot make the United States safe.

Well, then they said, the liberals just said earlier that we had a bad decision because of the ''neocons.'' What they were referring to is the neoconservatives. It is some kind of label they are trying to put on people who are serving this country within the Department of Defense.

They said that we made a big mistake because we trusted Chalabi who was an expatriate. Well, we did make a mistake trusting Chalabi, but I have to tell my colleagues that we trust people who are expatriates all over the world today. Why do we do that? We do that because we think they have the best information coming out of the nation, and we trust them because they have the freshest information, and we trust them because we have no other alternative, thanks to the liberals and the Clinton administration.

We totally decimated our human intelligence all over the global. We decided, according to a rule that was placed on the CIA, that we could not deal with any ''shady characters.'' Well, who knows this information? It is the people who are on the inside in these countries that are corrupt. They are all shady characters that we have to deal with, but we have no human intelligence to verify it.

That is why we trusted Chalabi. We trusted him because it was the only information we were getting was from him. We trusted it, but we needed to have some human intelligence to go inside the country of Iraq before we went in and say, yes, this is right, or, no, this is not right. But thanks to the Clintons and the liberals, we could not deal with them. We did not have anybody there to verify it. So we trusted him, and we made a mistake. I think we ought to admit that, and we ought to move on.

Chalabi passed on information to the Iranians. It was reported in The New York Times. How we got that information, the reporter from The New York Times, I do not know. We need to check that out as well, because we are talking about very important secrets that this Nation held.

But we wanted to verify what was going on in Iraq before we entered, we want to verify what is going on around the globe, and we are trying to rebuild that human intelligence network. But thanks to the Clinton administration and the liberals, we do not have any of those contacts right now.

But in Iraq what we have done as Americans is we have taken the fight to the terrorists. We are not sitting back and waiting for them to come to New York or Washington, D.C., or Wichita, Kansas. We are taking the fight to them.

Now the liberals want us to withdrawal from Iraq. We cannot do that. I think that we have to stay there.

I talked to a young soldier over in Iraq when I was there myself, and I said, what do you think about being here in this hot spot where all the terrorists from all over the globe are coming here, they are arming themselves, they are trying to take out Americans?

He said, you know, this is the one spot in the whole globe where every American here is carrying a gun. I want the terrorists to come here. I do not want them going to my home. I want them to come to Iraq. Because this is where every American is carrying a gun, and we can take care of our ourselves, and he patted his machine gun.

We have to take the fight to the terrorists. We cannot wait for them to come to us. We do not want them here on the floor of the House of Representatives. We do not want them on the streets of Washington, D.C. We do not want them in Wichita, Kansas, or New York City or anywhere else in America. We want to take the fight to them.

Well, the liberals say, now, we are in this because of the oil; and they quote people in France and in Germany. Well, if we check about the Oil for Food program that the U.N. had, all of the kickbacks that were coming out of the Oil for Food program went to France, Germany, some of them went to Russia. Does that not sound familiar when you compare that to the list of countries that would not support us in our effort to free Iraq and kill the terrorists? They are the same people that benefited from the Oil for Food program by

taking kickbacks from Saddam Hussein.

Well, it is not about oil. Because you know what? We could have bought oil from Saddam Hussein. It was on the black market. It was flowing out of Iraq, thanks to these European countries. But we did not do that because we thought about justice, we thought about right, we thought about making America safe.

Well, it is not just about oil, because we could have taken care of that. It is also about making our country safe. It is about our way of life. It is about western civilization. It is about making the American people safe at home and safe across this country.

Now, the liberals would rather fight this war at home. They want to back off, but that is not what we are going to do. Thanks goodness for George Bush, who has had the courage to take this battle to the terrorists.

Now, they said we got bad information, that we got bad information about weapons of mass destruction in Iraq, that we know that they gave us bad information and we went in, and, sure enough, there was not anything there.

Well, they are ignoring several facts. Number one, we have found sarin gas used in ammunitions against our troops. Now, certainly that qualifies weapons as mass destruction. Perhaps they do not think that is the case. We have also found mustard gas. We have found containers with radiation material that has been in it. What do you define as weapons of mass destruction?

They are present in Iraq. Iraq had the will. They had the potential. They had the equipment. They had the material. They had the gas. They had the distribution systems. They had the history. They used it against their own people and against the Iranians. They had the proof.

Denial is not an option about weapons of mass destruction. They did exist. They currently do exist.

But I just wanted to spend a little bit of time talking about those who spoke here earlier and the criticism that they brought forward. But it was not right, and I think the American people need to understand that it is time for us to realize how serious this battle is. We are fighting for western civilization itself, and we need to take the fight to the terrorists instead of waiting for them to bring it to our hometown, because it is our children, it is our way of life that is at stake.

I did not come down here to talk about that. I just wanted to set the record straight before we moved on.

What I wanted to talk about was lifelong learning, and this is part of an overall program that we have developed at the Republican Conference in the House to address the problem that we have had in America about losing jobs overseas. Now, many people want to blame the companies that hire and create and keep jobs in America. Even the Presidential candidate for the Democrat party, the Presidential candidate for the Democrats said that we have Benedict Arnold CEOs that are sending jobs overseas. Well, let me say, the guys that have made the decision to send the jobs overseas did not do it on a lark or on a way of doing something that was just light-hearted. They did it because they have very few options left.

If we look at the possibilities for CEOs today, they can only control a couple of things. They can control the cost of wages, and they can control the overhead, in other words, how many buildings they have, how many people they have working for them. But if you look at a lot of the costs that are in business today, many of them are way beyond the control of the CEOs. Most of them, as a matter of fact, fall on to the burden that has been placed on them by the United States Government.

These are things that have occurred over the last generation. People in Congress with good intentions voted on legislation that had bad consequences, and it is time to set the record straight, and it is time to do something about it.

We have divided these problems into categories. These eight categories are listed on this placard next to me.

First is health care security. Health care costs have been rising dramatically across America, and we are having a hard time containing the costs, and it is really hurting us as far as keeping jobs in America.

We have bureaucratic red tape. We are trying to terminate that. That has really caused us to have problems with keeping jobs here in America.

This week we are dealing with lifelong learning. We are going to talk a lot more about that today, but lifelong learning is very important for creating an atmosphere in the future so that we can attract jobs and keep jobs right here in America.

Next week we are going to talk about energy self-sufficiency and security. We are going to then deal with tax relief and simplification, and we are then going to deal with trade fairness and opportunity and then spurring innovation through research and development. We are going to end our 8 weeks on the floor of the House with ending lawsuit abuse.

All of these categories were created by Congress over the last generation. All of these categories need to be changed so that we can bring jobs back into America. If we do not, we are going to see a continued loss of jobs in America, and you are either with us or you are against us. Either you support these issues and support bringing jobs back to America, or you are going to turn your back on working Americans, turn your back on the middle class, turn your back on the future for our kids and our grandchildren.

These are the issues that we are dealing with. This week, it is lifelong learning.

I am going to turn it back over to the gentleman from North Carolina, but I just want to say in closing my remarks that lifelong learning is the way that we are going to give hope not only for our children and grandchildren but for those workers who have suffered a loss of their jobs.

I just want to end with this one example. My cousin was laid off from the Boeing Company in October of 2001. Now, the Boeing Company makes commercial airplanes. He worked in the sheet metal shop working on commercial airplanes. After September 11, when people quit flying, they laid off a ton of people at the Boeing Company in Wichita alone. At one time there were 24,000 employees. Now they are down to about 12,000 employees. One of those laid off was my cousin, Mark Smith.

What he has done is he has gone back to college. He decided that he was going to fulfill his lifelong dream of being a teacher. Through the unemployment benefits provided by the Republican House, through the ability to go back to college provided by the Republican House, he has gone back to school. He has fought against the trend. He has gotten his degree now. He is practicing teaching as we speak, and he will start next fall fulfilling his dream as an educator.

He has done it because he had a vision, and that vision needs to be passed on to other Americans who are currently laid off. Let them go back to work. Let them create a future for themselves and for their families and do it.

Because we are thinking about how we can put them back to work. We do not just want to extend unemployment benefits, because the best we can do for an unemployed worker is to get them back to work. That is what they want. That is what they desire.

So lifelong learning is a tremendously important issue. It is third on the list of eight. And as we deal with that tonight I think it is important to remember that if you are going to get workers back to work you have to give them the tools to do that. Lifelong learning is one of those tools.

Mr. HAYES. Mr. Speaker, I thank the gentleman for his efforts, and I thank him for bringing these issues to the forefront.

At this time, I will yield to my friend and colleague, the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for his leadership to come to the floor of the House tonight, along with the cochairmen of the Careers for 21st Century America, the gentleman from Kansas (Mr. TIAHRT). I serve as another one of the cochairmen of this very important part of our Republican Conference.

Tonight we are going to talk about lifelong learning and its impact on this country. As we today held a press conference, the gentleman from Kansas (Mr. TIAHRT) and I, we talked about a number of things that face America,

our opportunity to make sure that the educational system that we have in this country is not only aiming at the right things but is prepared to make sure that we are ready for its future.

A number of facts came to us today that were very interesting. Among others that we learned were approximately 60 percent of corporations are prevented from updating technologies by the low educational and technically skilled level of their workers, meaning that the workers that are in today's workplace have to be retrained, have to be retrained on a regular basis, and that the corporation that today spends some $60 billion a year on training their employees and making sure that their employees can deal with not only the technologies that are new and emerging but also the tools, being able to do those things that will produce American products and make sure that America is leading edge.

In 1950, 80 percent of the jobs were classified as unskilled. Today, roughly 85 percent are classified as skilled. That is a change in the marketplace. In the coming decade, 40 percent of the job growth will require postsecondary education, so says the U.S. Chamber of Commerce. Approximately 75 percent of today's workforce will need to be retrained just to keep up with their current jobs, also from the Chamber of Commerce. Lastly, from the Chamber of Commerce, as much as 40 percent of tomorrow's jobs do not even exist today.

So as we begin talking about this, not only in the Republican Conference but also in the press conference today, we recognize that our leadership, through the leadership of the gentleman from Illinois (Mr. HASTERT) and the gentleman from Texas (Mr. DELAY), that we needed to bring forth not only a vision statement about what we believe in, but also actual bills, pieces of legislation that will do those things that allow our country to be prepared for the future.

□ 2145

Mr. SESSIONS. And we recognize that, as we started talking about this, that three pieces of legislation, which are going to be on the floor this week, which are very, very important, one of them H.R. 4409, the Teacher Training Enhancement Act, which we are going to hear about in just a few minutes which the gentleman from Georgia (Mr. GINGREY) brought forth to our conference because he recognized that we need to make sure that we are utilizing the best effort not only from what States do, because they are responsible for education, but also to make sure that companies and people who are out there in local cities and at the local level are able to engage in those things to bring their skill sets to the educational environment.

We have H.R. 4410, the Teacher Shortage Response Act, which the gentleman from South Carolina (Mr. WILSON) has made sure is a part of our package. We need to make sure that we are able to accurately and carefully find those people who would come and be teachers in our public schools. We need to find those who have in particular a background in math and science, a high-tech background.

It is difficult for school systems to come and compete for those specialized people who might want to get out of school and be able to pay off their student loans, so they go and they work for local industry. We need them in our schools. So the gentleman from South Carolina (Mr. WILSON) saw this need and said we need to be able to compete in our school systems to have those kinds of teachers to be ready and available to teach our children. He did a good job.

Lastly, H.R. 4411, the Priorities For Graduate Studies Act. The gentleman from Georgia (Mr. BURNS) saw this as a tremendous opportunity for us to capitalize on many people who receive higher education, meaning a masters or a doctorate degree, to be a part of our school system, to be a part of the teaching system that we have in this country, to make sure that our students are challenged with not only leading-edge tool sets, the tool kits that are necessary, but also by the teachers who would be employed to do that, to challenge our bright young students to make sure that the leading-edge concepts, the leading-edge ideas that will develop tomorrow so that we can make sure that this country is prepared.

And that is what this week is about. That is why we operate Careers For the 21st Century in this week, talking about lifelong learning. We believe that if the United States Congress acts forthrightly to where we talk about what is the real job that Congress should be doing, we should be aiming this country in a direction that will allow the private sector and schools back home to not only compete and hire those people who will help our students, but also to make sure that the resources are available to do that. And that is why this Republican conference is so interested in making sure that this is a part of what is available in the tool kits for teachers and administrators back home.

I am very proud of what this will mean and what it will do. Years ago early in my career I spent time at Bell Labs in New Jersey. And I was around some of the brightest and the best of the young people that this country produced. Now we have seen a proliferation of jobs all over this country where high tech has taken off, where jobs are available in not only health care but also the employment industry where it is high tech involved in helping our military or perhaps producing things for jobs in this country.

We must continue in this country being the leading-edge producer of not only technology but also the students who will operate and make that technology work. I believe that America's greatest days are in our future because we have a vision and a dream about where we are going to go in terms of not only this generation but the next generation.

This is a part of the Republican Party's commitment to the future of this country. I am proud of what we are doing. I am proud to be a co-chairman of this very important Careers For 21st Century.

I thank the gentleman from North Carolina for taking his time tonight to make sure our message is given to our colleagues about how important our responsibility is to ensure the success of the next generation of Americans through education.

Mr. HAYES. Mr. Speaker, I thank the gentleman for his efforts and his leadership.

This majority is making a difference as we aggressively pursue education goals that create careers and opportunities for families all across America. I might also point out, and I appreciate my colleague pointing out the gentleman from South Carolina (Mr. WILSON), the gentleman from Georgia (Mr. GINGREY), the gentleman from Georgia (Mr. BURNS).

And just today we passed a fine piece of legislation that expands on unemployment benefits by allowing people an additional $3,000 to help with finding a new job. We passed that today, House bill 444.

We are in the very near future going to deal with the family marriage amendment. We will protect America's families because education without families does not get us anywhere. Faith-based initiatives. This majority is making a difference.

Mr. Speaker, at this time I would like to yield to one of my good friends here from Georgia tonight, the gentleman from Georgia (Dr. GINGREY), for such time as he may consume.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from North Carolina (Mr. HAYES). I thank the gentleman from Kansas for reserving this hour and giving us this opportunity to talk about lifelong learning and preparing our men and women, indeed our children, our students for the 21st century workplace.

It is kind of interesting, we hear all this criticism. It seems like in this Presidential election cycle the big word is the O word, ''outsourcing,'' the outsourcing of jobs and decrying that. What is left out of that argument, of course, is the fact that with a global economy, with fair trade, you also balance that outsourcing, even though we wish no jobs would leave this country, with a lot of good jobs from insourcing.

I am a native Georgian and I represent, Mr. Speaker, the 11th District of Georgia; but I actually grew up in South Carolina just across the Savannah River on the State line, if you will. And I have seen that State, while losing over the years, the last 20 or 30 years, in fact, a number of textile jobs, unskilled jobs, in fact whole towns

were affected. The town of Graniteville, South Carolina, where my dad grew up, every job in that town was a textile job, of a cut and sew, highly unskilled job from generation to generation. And all those jobs were lost.

But, thank goodness because of a global economy today, in the State of South Carolina I know my colleagues, the gentleman from Texas (Mr. SESSIONS) just mentioned it, the gentleman from South Carolina (Mr. WILSON) the good work that he has done representing my mom and my brother in South Carolina, I am sure if he were with us tonight he would talk about that BMW plant in Spartanburg, South Carolina, as I could talk about the Pirelli Tire Company up in Rome in my 11th District in Georgia.

So there is a balance. I think it is important that we make a point there, that we are concerned about losing jobs, but we are mighty thankful that there has been a lot of insourcing. And hopefully one day soon we will have more jobs coming into this country than we have had leaving the country. They will be better jobs. They will be better-paying jobs with better benefits.

But as my colleagues pointed out, we cannot attract those companies, we cannot provide these jobs unless we have an educated, highly skilled workforce. And what has happened in the past with our youngsters coming out of school without good skills in math and science and information technology, computer skills, what you see, of course, is in so many instances you do not have all these operators, you do not go back to the old television series, I Love Lucy, Mr. Speaker, when Lucy and Ethel were on that assembly line trying to keep up with those donuts. You do not have that anymore. You have a lot less need for people on the line, on the production line because they have to be skilled and they are running the computer. And a lot of this stuff is done by computer. These are good-paying jobs, but they require more skills than what we have had in the past.

That is what this hour really is all about, to talk about what this leadership, what this administration has brought forward. And certainly we lost some jobs since 9/11, nobody could control that; but the efforts that this Republican leadership, this Congress has put forward over just the 2 years that I have been here as a freshman Member. I am very proud to have had an opportunity to vote in support of things that help the lifelong learning process.

Just today, just today, Mr. Speaker, as the gentleman from Texas (Mr. SESSIONS) mentioned, we had the opportunity to bring forward H.R. 4409, the Teacher Training Enhancement Act. Now, this is a bill that improves the skills of our teachers. And it is hand in glove with the No Child Left Behind Act that was passed in 2002, the year before I arrived here. And that was nothing but the reauthorization of elementary and secondary education, which was long overdue, which finally had some accountability in it and required that Federal dollars are being well spent at the local level. But there needs to be some accountability.

So if we are going to expect that no child will be left behind by the tenets of that legislation, then it is appropriate for us to also say colleges that teach our teachers, education colleges, you need to provide the highly skilled teachers that that law, No Child Left Behind, requires, that you produce these highly qualified teachers in the classroom by date certain. And they need to also be accountable just as we are expecting our superintendents and our teachers and principals at the local level to be accountable.

So this bill, and again, Mr. Speaker, I am proud that it was passed with wide, strong bipartisan support, as well it should be, because this just enhances the State grants, these partnership grants, teacher recruitment grants to make sure that not only are we doing a better job of teaching teachers, indeed making them highly qualified so that our youngsters in secondary education, before they get to higher ed, if they decide they want to go out into the workplace and take these highly skilled jobs that we are producing, then they are ready, they are ready to go. It is just very important that we do that.

So, again, I want to thank the gentleman from North Carolina for allowing me to come and share some of my thoughts. And again it is bills like H.R. 4409 and other things that this Congress has done, this Republican leadership, that is going to result in not only almost a million jobs that we have created in the last 8 months but certainly we are going to continue to do that. I just commend my colleagues for that effort.

Mr. HAYES. Mr. Speaker, I thank the gentleman for his leadership. I thank him for his commitment to education, his commitment to the State and to his district. I am wondering if the good doctor would yield for a question.

Mr. GINGREY. Mr. Speaker, I will yield, sure.

Mr. HAYES. Mr. Speaker, as we stand here tonight talking about the importance of lifelong learning, my colleague is a doctor, like me he is not as young as he used to be, medicine and the way it is practiced has changed somewhat since he graduated from medical school and completed his internship.

If my colleague would just speak for a few moments, if you will, about the importance of continuing education, upgrading one's skills so that one can use the newest technology, the equipment, the techniques, the procedures that have allowed us to maintain the number one health care system, no thanks to the liberals who want to give it all to the government, but speak to us about a lifetime learning and his experience as a doctor and how that not only relates to medical skills but scientific skills, government skills, and others.

Mr. GINGREY. Mr. Speaker, I am so glad that the gentleman brought that up. There is no question that in my profession, as he pointed out as a physician, we are actually required on a 2-year cycle to take a certain number of hours of continuing education. And it has to be good hours. It is not a vacation meeting. It really has to be good continuing education requirement.

And this is, as my colleague points out, as it should be, because things change. And if we practice the same medicine in the 21st century that our great forefathers practiced back in the days of Little House on the Prairie when there were no antibiotics and you only did surgery as a last resort, today if we practiced in that manner, we would be practicing below the standard of care. And we would be subject to severe penalties, maybe even lose our license.

□ 2200

So it is very important. And just as you say, you cannot rely on those things that you learned when you are 10, 15 and even 20 years old. You have got to continue to upgrade your skills in any profession.

Mr. HAYES. Mr. Speaker, I am sure that the gentleman's patients are particularly appreciative of the transparency and the accountability that you bring to the operating table and to your doctor's office by presenting those credentials and letting you know of how you have increased your skills and kept up with the latest technique.

Mr. GINGREY. There is no question about that. And it makes me think, too, we are talking about this issue of outsourcing and the weeping and gnashing of teeth over that. But the very same people that are crying about outsourcing are the ones who for my profession will not give us an opportunity for a level playing field in regard to tort reform, will not help us pass meaningful legislation to bring fairness into class action lawsuits or product liability and put all these burdens on our small businesses, men and women who employ most of the people in this country. They create the jobs.

But yet it is not just wages that is causing us to lose these jobs. It is a lot of these burdensome rules and regulations that our competitors offshore do not have to abide by. So you are absolutely right.

We want people, my patients, I always want them to know. Whenever I completed that cycle, that 2-year cycle of particular education, I would put that little diploma in my office, hang it right there on the wall or in one of the exam rooms so they could look and see where I trained and am I up to date, absolutely essential.

Mr. HAYES. Mr. Speaker, I thank the gentleman. Those patients not only appreciate but they demand accountability. It sounds like no Child Left Behind, so we are on the right track.

Mr. Speaker, a good friend from Georgia and a leader in education, agriculture, defense, it is hard to think of what he is not a leader in, but I appreciate him being with us tonight. I yield to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Speaker, I thank the gentleman from North Carolina (Mr. HAYES), my good friend.

Mr. Speaker, I spent 20 years in public education at the university level training young men and women to practice lifelong learning. The field that I was a part of was in computer and information systems, and I began that adventure in the early 1970s. Between the early 1970s and 2000 the industry changed virtually every 18 months. So it was a constant struggle to keep up with the technology, to keep up with the concepts and the techniques, first as a practicing professional but later as a faculty member at Georgia Southern, to be able to train my students in a discipline that was a constant change.

That is what we face in our Nation today. That is what we face across the spectrum.

I think what I want to talk about tonight, I appreciate my good friend from Georgia (Mr. GINGREY) in his work on the Committee on Education and the Workforce with me and the gentleman from North Carolina (Mr. HAYES). The bills that came out of the House today were important and significant on higher education. I was glad to be a part of that for both teacher training enhancement, which included a very significant component on centers of excellence for our minority serving schools, but also the Priorities and Graduate Studies Act, which allow us to focus on math and science and special education, those components of our society and our educational environment that we have, unfortunately, neglected all too frequently over the last number of years and we have fallen behind by any measure on world standards. We have got to improve in our education department.

But tonight as a part of lifelong learning I want to shift gears and talk about a concept that maybe does not get as much attention as it should. Many families in America, when faced with the choice of sending their child to a public school, they feel that maybe their needs cannot be met as well as an alternative or two. I want to talk about those alternatives.

We seem to be reinventing the way America learns, how young people are prepared to face today's society. We have alternatives from our public schools to our private schools to our charter schools to our home schools to even our cyber schools. Especially in the technology world, the cyber schools are becoming a major component of that.

But tonight I want to talk about home school, charter schools. I have home schooled constituents in my district, I have charter schools in my district, and there are many reasons why a parent and a family might look to that alternative.

It is amazing, self-learning has really been around a long time. If you go back and you kind of look at the lore of learning and the achievement by individuals who had limited formal education, if any at all, Thomas Edison, George Washington, Abraham Lincoln, Benjamin Franklin, the Wright brothers, Helen Keller, even Albert Einstein, all self-learners, all life-long learners.

It is amazing that we are beginning to come back to the concept of a family taking responsibility for their child's education, to become a partner in the education process.

I am a teacher, and I have tremendous respect and regard for those in the teaching profession. The dream of the teacher is to help their students achieve their dreams. So that a dream of a teacher is to make the dreams of that student come true, but the partner with the teacher is the parent. And all studies are going to tell us that when parents are involved, students learn. There is more discipline in the challenge. There is more involvement. There is a better environment for learning.

Just recently the Augusta Chronicle in my district in Georgia, the 12th district of Georgia, ran a marvelous article about a young lady who was in a school that failed to meet its annual yearly projects progress as a part of No Child Left Behind. She had a choice. She and her family looked at the amenities, and she changed schools within the public system in Richmond County. And this article went on to describe the positives that were associated with that and the achievement that she received and the way in which she was able to advance so much more, basically because of lack of discipline in the environment that she was having to move from.

Charter schools and home schools oftentimes are able to handle those challenges more effectively. There is a charter school in my district in Savannah, Georgia, that I visited not long ago; and they have two fundamental expectations: appropriate behavior by the student and parental involvement in every case. Now all of a sudden many of the things and the challenges that we face have become of limited concern.

Sometimes parents choose to home school because the alternatives may instill values that they do not agree with. They may instill values that run contrary to those of the traditional family. They kind of feel caught up and bound by their tax dollars to schools that may not meet their child's needs.

Over the last two decades home schools have grown from about 200,000 to over 2 million; and you have to ask yourself, why has there been such a rapid growth in this area? Well, in 1998, there was a study done that in every subject, in every subject in every grade level, K through 12, home school students, are you ready, scored significantly higher than their public or private school counterpart. Some 25 percent of all home school students at the time that they were enrolled at either grade level or beyond, they had an average ACT score of 23, compared to a public ACT score of 21.

Federal Reserve Chairman Alan Greenspan, Alan Greenspan rejected the Democratic notion that the more money we put into a school the better the school performs. His comment says, ''Putting money in is not necessarily an accurate measure of the output. We are falling behind by any measure in our secondary schools.''

Greenspan went on to say, we have to increase the skills every year, every year, or we will fall behind, we will fall behind.

One of the things that I want us to talk about tonight and maybe share with the rest of House is that how can we take the lessons we have learned from home schooling and apply them to improving our public education system. Primarily, the exponential growth in home schooling is primarily a result of bad public policies and programs in our Nation.

We have unfortunately turned a deaf ear to parental input and the voice of the parent. We have not given it its proper respect and consideration. We have tended to push the parent aside, as opposed to making them a partner. I will tell you that the best schools in my district, the highest-performing schools in my district are those who have active parental involvement in every grade in every classroom.

The President has placed a strong agenda on education and the pillars the educational reform pillars, accountability and testing. We all know No Child Left Behind has four fundamentals: accountability and testing, flexibility and local control, funding that works, funding that provides a return for the investment, and, finally, expanded parental options so that we can indeed move America forward.

We have to close the achievement gap. We have to have a first-class education around our Nation. The report cards that are coming out in Georgia now that show the progress that our schools have made, and they have made great progress. I have been in every school district, in many of the schools in my district, and I will tell you they are making great progress, and I want to congratulate them.

We still have a lot of work to do. But the point is, we have to have qualified teachers. We have to have committed parents. We have to have the fundamentals of education in every environment.

We are turning the corner on success, and we are beginning to see a return on our efforts when it comes to public education. I am proud of that achievement. If we are going to become lifelong learners, if we are going to be able to move from this decade into the next

and the ones beyond, we must all recognize that lifelong learning is a fundamental requirement in today's society.

So if you look at the experiences in higher education, if you look at the experiences in our great technical colleges, if you look at the experiences in our secondary schools, we have to realize that we must continue to improve at every turn in order to achieve a competitiveness and a quality standard second to none in our globe.

Mr. Speaker, there is a significant part of our agenda for America to ensure that no child is left behind regardless of their background, socio-economic, their ethnicities where they happen to live, but we also have to build that mechanism and that desire for learning.

One last illustration. Last week, during the district work week, I met with a family out of Hinesville, Georgia. They were in the military. They had a son, fine young man, 11 years old. He was in a school system that unfortunately was not meeting his needs. Not because he was too slow but because, in reality, he was advanced. He had taken the SAT score at 11. He scored 1,040 on an SAT. This young man had special needs, but they were special needs to be challenged. He was bored. He was bored in a 5th grade classroom when he could perform at 7th and 8th grade levels.

I sat there and I listened to the story, and I have got to work on this challenge. But we do not need to leave any child behind, but we do not need to hold any child back either, because there are folks out there who can really achieve.

After spending a half an hour with this young man and with his father and mother, by the way, his father is in the U.S. Army, Third Infantry Division at Fort Stewart, Georgia. He just came back from a year in Iraq. And I sat there and I listened to this young man and the challenges he faced.

□ 2215

I asked him to do one thing, do not lose your love of learning, because that is what will sustain you throughout your entire life.

We must all have a love for learning, and he assured me that he loved to learn, and that even though in a traditional classroom he might be a bit bored, that he could make up for that as a self-learner, and that is what we must all be.

I want to thank the gentleman from North Carolina (Mr. HAYES), thank the committee for focusing on learning and recognizing the fact that learning is an integral part of all of our lives and we must do it every day if we are to remain competitive.

Mr. HAYES. Mr. Speaker, I thank the gentleman again for pointing out the many intricacies and the many pieces that this Republican majority is helping to bring together so that lifelong learning and competitive young people coming out of our school system is a reality.

Just as a matter of interest, I do not know if the gentleman from Georgia knows this, but my wife and I lived in Alaska for a year. Sometimes we think of home schooling as a choice of Republican schooling. Well, in Alaska, it is an alternative. If you live more than two miles from a bus stop, they will furnish you at no question, no cost, the materials for home schooling.

One of the things that we learned from home schooling and why it is so important is, and I give my wife the credit because she did most of it, but I helped sometimes, if you home school your children, you really appreciate the teachers in the public school because you get a feel for what they go through. One of the beauties here, again, is small class size, concentrated, strong family involvement and participation.

So, again, I thank the gentleman.

Mr. BURNS. Mr. Speaker, if the gentleman would yield, I had an opportunity at the university environment to periodically have assignments in the international setting. I spent 6 months in Australia, and my sons were in the fourth grade and the seventh grade, and even though they went to Australian schools, my wife would tutor them in their U.S. subjects.

Four years later, we were in Sweden. My sons did not speak Swedish, but yet their instruction was in Swedish, and my wife, again, assumed the role of parent/teacher, and my sons, because of my wife's dedication, never missed a beat.

Now, not all families can do this. Not all families would select that option. But I think one of the most important things we see in this model is commitment to learning by the family unit and a commitment to assisting their children in achieving very, very positive results; and once that love of learning is instilled, then it carries through for a lifetime.

Mr. HAYES. Mr. Speaker, I thank the gentleman for his participation.

At this time, I would like to yield to my colleague, the gentleman from Kansas (Mr. TIAHRT).

(Mr. TIAHRT asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from North Carolina for yielding.

I want to point out this placard I have about a statement that was made by Alan Greenspan before the Committee on Education and the Workforce. It says, we need to increase our efforts to ensure that as many of our citizens as possible have the opportunity to capture the benefits that flow from that engagement. For reasons that I shall elucidate shortly, one critical element in creating that opportunity is the provision of a rigorous education and ongoing training to all members of our society.

This proposal is not novel. It is, in fact, the strategy that we have followed successfully for most of the past century and a strategy that we now should embrace with renewed commitment. That is what we are talking about tonight, the renewed commitment to lifelong learning.

Mr. Speaker, I have a statement that outlines what we intend to follow this week, the legislation that we will bring before the committee, the commitment that the Bush administration has for education.

Mr. Speaker, I also have a statement about IBM and about their commitment to lifelong learning and how they average about $3,000 per employee and how they coordinate with different universities about lifelong learning that I would like to insert in the RECORD at this point.

Learning is indeed a ''lifelong'' endeavor. I'd like to highlight the efforts of IBM. IBM seems to understand what it takes to create a stronger workforce and is stepping up to the plate.

IBM partners with a number of colleges and universities around the country. For example, IBM's Scholars Program (http://www-306.ibm.com/software/info/university/) allows colleges and universities to receive IBM software free to charge and also permits faculty to attend IBM training sessions at no cost to them.

In Vermont, IBM relies on the Vermont State College system to supplement the company's own internal training curriculum in a variety of engineering and computer courses. Similar relationships exist in Poughkeepsie, NY, with Marist College and Dutchess Community College; in Austin, TX, with St. Edwards; and in San Jose, CA, with Santa Clara Community College and UC Santa Clara. IBM also has a long standing relationship with the National Technical University which allows employees to take a full range of classes remotely, which will lead to advanced degrees.

It's worth noting that IBM will spend between $750 million and $800 million on employee training this year alone. Half of this will be for U.S. employees (which averages out to almost $3,000 per employee). In addition, IBM will spend $25 million more on training those employees whose jobs ''may'' be at risk due to global resourcing. This training is specifically aimed at equipping employees with the skills necessary to secure employment with IBM business partners, vendors, or customers if IBM does not have a position for them. Moreover, under the auspices of the U.S. Department of Labor, IBM is working with other business partners to potentially train IBM employees for positions in these other companies so that an individual displaced from IBM would never enter the public workforce system but would receive custom training that fits the needs of their new employer.

IBM's training programs work and have produced positive results. I encourage the Federal Government to join IBM and others to create a stronger workforce and keep American workers competitive in today's global economy.

Mr. Speaker, I also have a statement about a great example of a company taking the reins and bringing job training to their employees. That is about the Quaker Fabric Corporation of Fall River in southeastern Massachusetts. Their motto is, ''Hire the Best, Invest

in the Best and Keep the Best.'' It is an outline of their commitment to lifelong learning for their employees, and I will insert it in the RECORD at this point.

Mr. Speaker, in today's dynamic business environment, lifelong learning and job retraining are an essential part of the modern workplace. Businesses realize this, employees realize this, it is time for Congress to realize this.

A great example of a company taking the reins to bring job training to their employees is the Quaker Fabric Corporation of Fall River ion southeastern Massachusetts. Quaker Fabrics is a small business that manufacturers woven upholstery fabrics for residential furniture markets in the United States and abroad. Their motto is ''Hire the Best, Invest in the Best, and Keep the Best.''

Mr. Speaker, Quaker Fabrics realizes that new technology requires job retraining to stay competitive in today's global market. In order to compete, they opened the Quaker Learning Center to help their employees stay on top of new technology. This investment in their workers has paid them dividends. Their sales have increased by 55 percent and they have added new jobs for 1,000 people in their area. In the process, 12 of their employees have received their GED certificates, 20 employees now have certified computer training, and due to partnerships with local colleges and universities, 15 of their employees have graduated from MBA programs.

Quaker Fabric Corporation has gone a long way to empower their workers with the skills they need to compete in a global market. However, in their own words, ''We can't do it alone. We need our schools and teachers from K–16 to build the foundation of literacy, critical thinking, problem solving, mathematical and interpersonal skills required to be successful in today's knowledge based society. And it is critical that we have more programs and funding available for incumbent worker education.''

Mr. Speaker, lifelong learning creates new jobs and provides individuals with the skills they need to fill these new jobs. This is smart policy already embraced by American businesses across the country. The U.S. Congress should join businesses to help provide lifelong learning to American workers.

Mr. Speaker, I also have a statement about our Founding Father Benjamin Franklin, who is highly revered for helping lead Americans to independence and guiding the construction of our government but also talks about how he realized the importance of education and advocated not only for public education systems but also for adults to continually expand their knowledge. It follows with our concept of lifelong learning and what we are committed to, and I will insert it in the RECORD at this point.

Founding Father Benjamin Franklin is highly revered for helping lead America to independence and guiding the construction of our government. But it is the lightening and key experiment that has endeared him to schoolchildren. Benjamin Franklin was even more of a Renaissance man than actual Renaissance men. He was an inventor, a printer, a scientist, writer, philosopher, statesman, economist, musician and entrepreneur. He challenged all he encountered—in person and through his writings—to think in different ways and improve themselves. Most important, he realized the importance of education and advocated not only for public education systems, but also for adults to continually expand their knowledge. Franklin wanted to ensure that Americans got the necessary training at home to compete with the best and brightest around the world.

Though his formal schooling ended at age 11 when he began his first apprenticeship, Franklin never stopped educating himself, constantly reading, writing and learning new skills. Franklin assembled philosophy and science leaders for discussions, set up a subscription library in Philadelphia and established the Public Academy in the City of Philadelphia to ensure that young people had a chance for formal schooling. His push to promote education at home as well as to attract the brightest minds to the United States has been successful.

Franklin's goal of lifelong learning holds true today, perhaps even more so. A highly-educated workforce is critical to America's competitiveness. Today's students are tomorrow's workforce, and for that reason, education is directly linked to America's ability to compete in a changing worldwide economy. Many working adults are trying to keep pace with the education required to stay ahead in their careers, or are in need of retraining to get them back into the workforce.

As part of our eight point competitiveness agenda, the House is addressing Lifelong Learning needs this week. Our public school system has given generations of Americans the tools to pursue their dreams, and it can certainly help prepare boys and girls for the demands of the new century. Now we need to make sure that our children are learning the fundamentals, that they become familiar with technology, and that math and science curriculums are enhanced so they can compete in the economy of the future. We will pass three bills to do so: the Teacher Training Enhancement Act, the Teacher Shortage Response Act, and the Priorities for Graduate Studies Act. We also highlight the need to continue to make sure that students have the opportunity to attend higher education institutions. Finally, we will address worker training and retraining needs. The Worker Reemployment Accounts Act offers new assistance for unemployed workers to enhance their skills and find new jobs and reenter the workforce.

This week the House is focused on the American worker, on how we can directly help the American worker compete in the global economy. We need to give our children the basic building blocs for 21st century jobs, make sure all Americans have access to universities and community colleges, and that workers have access to the training that will guarantee them high quality, high paying jobs.

Instead of political rhetoric, Republicans are offering real solutions. We invite our colleagues to join us in moving America forward and providing opportunity for U.S. businesses and working families.

Mr. Speaker, I would also like to point out that the Chamber of Commerce has addressed Congress, and they said that as much as 40 percent of tomorrow's jobs do not exist today. I believe that the only way that we are going to prepare for tomorrow is that if we continue our efforts for lifelong learning and heighten the awareness of people in America to their commitment to education, whether it is at the primary level, the secondary level or the graduate level or postgraduate level, so that we continue lifelong learning for all Americans; that the commitment that the Republicans have in the House of Representatives, that the administration has be carried out through our efforts.

This week we are addressing lifelong education. Again, it is number three on our list of the eight issues that we think are important to bring jobs back to America. These eight issues are issues that have been roadblocks to keeping and creating jobs.

Congress itself over the past generation through good intentions has passed bad legislation. We are trying to overcome that bad legislation by changing the environment so we can bring jobs back into America. We started out with health care security. Then we moved to bureaucratic red tape. This week we are talking about lifelong learning. Next week, we are going to move on to energy self-sufficiency and security. Following that, we will take a week and talk about tax relief and simplification. Following that, we will talk about trade fairness and opportunity. Then we are going to move to spurring innovation through research and development. We are going to end up with lawsuit abuse and changing that.

This is a commitment that the Republicans have made to address each one of these issues one week at a time over a period of 8 weeks so that we can keep and create jobs in America, bring jobs back. Instead of outsourcing, we want to insource jobs to America. This is one way that we can overcome the barriers that employers are facing so that they can bring jobs back to America.

I want to thank the gentleman from North Carolina for spearheading the effort on lifelong learning. He has done a tremendous effort and a great success in the way he has brought other Members into the circle. He has brought this issue to the entire Republican Conference. He knows it is not only important in North Carolina but it is important in Wichita, Kansas, and across the United States.

So I want to thank the gentleman from North Carolina for allowing me this time to speak on behalf of this issue, working with him on this issue, as well as the others, and I would like to conclude my remarks and yield back to the gentleman from North Carolina to complete our efforts tonight.

Mr. HAYES. Mr. Speaker, I thank my friend, the gentleman from Kansas (Mr. TIAHRT), for his wonderful leadership and pointing out how important these issues of education are.

He talked about bureaucratic red tape. Just last week, if my memory serves me correctly, we passed the Paperwork Reduction Act, which puts

over $800 billion potentially back into our economy for American jobs and helping people with their career.

Mr. Speaker, in closing, there are two things that I have stressed in my time in Congress, and they are national security and economic security. My friend pointed out that on September 11 incredibly insane people flew three airliners, used them as missiles, flew them into the World Trade Center and the Pentagon. National security is critically important to our future. Fighting and winning the war on terrorism, which our brave young men and women are doing every day, is happening because of the commitment of America, the patriotism of these fine young men and women; and our commitment and our support of them is crucial for the future of our young people.

Economic security comes from education, childhood, families, middle school, high school, secondary, postgraduate. Economic security allows us to maintain the financial integrity of this Nation. Financial integrity and the things that go with it enable us to equip our military which liberates countries like Iraq and Afghanistan from terrorists, thugs and murderers.

So those are the two important issues.

To give you some firsthand information and experience from my district, we have seen how important this is. In August of this year, we had the largest single layoff in North Carolina's history. As this tragedy occurred and many people were dramatically, drastically and terrifyingly affected, retraining, education through the community colleges, through high schools, through other means, has been pointed out how important it is, and this majority and this administration has stepped in to provide the help and the guidance in every possible way that we can so these folks could be retrained so that they could be skilled for new careers.

A wonderful example is a lady named Barbara Price who worked at Pillowtech. She went back to school and I remember meeting with her at Rowan-Cabarrus Community College and hearing her describe how all of a sudden she is a 57-year-old mom who was having her high school students, who were extremely proud of her ambition, her willingness to go back to school, but they were helping her with her homework. They were encouraging her to adapt, to learn and to get these new skills.

So that is just one of many, many examples where lifetime learning continues. We are retraining for next generation, highly skilled jobs.

The question becomes, what are those jobs going to look like? Well, my answer is simply that America, with the ingenuity, the resources and the talented people we have, we can create those 40 percent of new jobs which have not yet been created, and that is what this majority is working to do with incentives, with tax cuts, with letting people keep more of their own money. Just a few of the ways that we can help do this.

In education, we are working with all of our schools, trying to find out how do we keep young people in school today. Because manufacturing jobs are not available when people drop out of school early. We have a program with the Dell Computer Company called Dell Techno, targeting at-risk and other young people in middle school, giving them the encouragement and also the excitement they need to see the connection between education, learning and earning. It has been very successful.

They come to school after hours. They learn how to take a computer apart, put that computer back together with the latest technology. After completing the course, they own that computer; and they can take it home and increase their skills.

BizWorld, teaching entrepreneurship and financial accountability. Teaches youngsters how to strive for making jobs, creating jobs, not just taking a job, teaching them the basic skills of creating a product, marketing that product, selling it and taking the profits, which not only are not a bad word but that is an imperative, taking the profits and expanding and making jobs, not taking jobs.

Congressional scholars bringing the remarkable assets of the Library of Congress into their high or middle school or college. Giving teachers additional tools. Because the way to show appreciation to these hard working teachers is, again, to give them the flexibility, the tools, the assets and resources they need.

Technology is not the only answer. We need stronger families. We need discipline in schools. We need the kinds of things and the cooperation that we have talked about tonight. This is the kind of America that we envision for our children and our grandchildren, an America that is learning, that is earning, that is taking the greatest that we have and expanding it, creating, maintaining and expanding freedom, opportunity and chances for others to enjoy the blessings that we have.

Mr. Speaker, I thank the gentleman from Kansas (Mr. TIAHRT) and all who have participated tonight, and I thank all of my colleagues who are interested in lifelong learning.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FEENEY). Earlier this evening, remarks in debate included improper references to the Vice President. The Chair endeavors to take initiative to admonish such improper references to the President or the Vice President, to acknowledged candidates for those offices, or to Senators contemporaneously with their utterance.

Although in this instance no contemporaneous initiative was taken, the Chair nevertheless is constrained to remind all Members that remarks in debate may not engage in personalities toward the Vice President. Policies may be addressed in critical terms. But personal references of an offensive or accusatory nature are not proper.

ARE YOU BETTER OFF TODAY THAN YOU WERE THREE OR FOUR YEARS AGO?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes.

□ 2230

Mr. CUMMINGS. Mr. Speaker, it is certainly a pleasure to be here tonight along with my colleagues from the Congressional Black Caucus as we begin to look at a very critical issue, and it can be simply titled: Are you better off today than you were 3 or 4 years ago?

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members have 7 legislative days to revise and extend their remarks on the subject of this Special Order.

The SPEAKER pro tempore (Mr. FEENEY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I cannot help but comment on the comments that were just made by my Republican colleagues. As I listened to them very carefully, I was struck by, and I know it is their good intent to make America better, but one of my colleagues talked about how he had lost jobs in his district and how he now is trying to figure out ways to make sure that people who may have lost their jobs will be in a position to get jobs in the future. I think that is a very noble objective.

But the one thing we must keep in mind is that there are millions of people who have lost their jobs since January of 2001, and it is nothing like being in a position where you have lost your job. No longer are you able to buy tennis shoes for your children, no longer are you able, in many instances, to put food on the table. And if you were in Baltimore, no longer were you able to afford to take a vacation to Disney World, let alone a faroff distant land.

So when I listened to my colleagues, I could not help but ask myself the question, What have we done and what have they done to make sure that this country does not hemorrhage jobs? And then I heard the astounding argument that I did not think I would be hearing again since our President made it not long ago, in that there is something right about outsourcing jobs; that is there is something right about, according to my colleagues on the other side, about being able to make a call in Maryland for a Maryland service and possibly ending up with an operator

somewhere in India or in some far distant land because jobs have been outsourced.

I would simply come to this floor, Mr. Speaker, and say that it is time for us to change the leadership in this country, because the jobs they talk about having been lost are jobs that did not have to be lost. Over and over again members of the Congressional Black Caucus have come to this floor and talked about so many issues with regard to jobs, with regard to education; and then I hear my colleagues talking about lifelong learning. And I shall comment in a moment on what this administration proposes to do, and that basically is to cut back on the very training that they say that their constituents need after they lose the jobs; but, Mr. Speaker, I would simply say that something is awfully wrong with the picture that they paint.

Unfortunately, America has suffered and America's people have suffered tremendously over the course of the last 3½ years. So we ask the question tonight as a Nation, Are we better off today than we were 4 years ago? This question may sound familiar to you. If you will recall, it is the same question that former President Ronald Reagan posed to the Nation during his 1980 run for the Presidency. Now, I must admit that although I probably would not agree with President Reagan on many things, I definitely agree that Americans must assess whether or not their government is working for them; and if not, they must figure out what to do about that.

I would submit that if government is not working, we should have commonsense solutions. In an employee-employer relationship, if the employee is not doing the job, he or she is fired. And I would submit this evening that we need to look at that course for this administration, and it is our plan to lay out our case tonight.

Mr. Speaker, we should never forget that this is still the people's government. We are public servants of the American people. It is no accident that the first line of the Constitution reads ''We the people.'' And it is no accident that the people's money funds the operation of our government. Yet, Mr. Speaker, this Congress, led by Republicans in both bodies, has failed to fully provide for the people in every single way that matters.

As stewards of the government's purse, my colleagues on the other side of the aisle have run up deficits and debt to the highest levels ever. At the same time, on issues from education to health care to the cost of basic goods and services, the average American is worse off under this administration than they were 4 years ago. And now, Mr. Speaker, the administration is already making plans for further cuts in services to the American people for the next fiscal year.

We have often said on this floor that we understand and are definitely committed to our troops, but we also are committed to having a balanced approach to the problems of this country and the problems of the world. There is absolutely no doubt that anyone using common sense would make sure that you protect yourself from outside forces. I would agree with that, and I think most of my colleagues, if not all in the Congressional Black Caucus, would, as would probably all 435 Members of this Congress. But at the same time, Mr. Speaker, we have to balance that and make sure that the people in this country are taken care of too.

In other words, what good does it do to go outside of this country and defend this country and go to Iraq and go to Afghanistan seeking out the terrorists while at the same time the very people that we are supposed to be making sure that they have benefited are falling by the wayside. In other words, our children. I have often said our children are the living messages we send to a future we will never see.

But as I listened to my colleagues on the other side a few moments ago, it is interesting they never talked about the fact that children are indeed being left behind every day and every moment of the day. While they talk quite a bit about how great the No Child Left Behind legislation is, and I would agree with them to a degree that it is good legislation, and if I recall correctly most Members of this Congress voted for that legislation. It was pretty much a bipartisan effort. But the thing they did not mention is that it has been substantially underfunded.

If you go to any school district throughout this country, you will talk to teachers and you talk to people who are on the front line, and they will tell you that this underfunding has caused great grief and has put them and State and local governments in a very bad position.

I saw a recent Washington Post article revealed a secret White House budget memorandum which detailed severe cuts in a range of Federal programs that are essential to the lives of millions of Americans. Everything from Head Start, again talking about children, and homeownership programs, to Department of Veterans Affairs, yes, I said the Department of Veterans Affairs. And if I might just put a footnote here, here we are with the President just dedicating America's World War II memorial the other day, yet still the Department of Veterans Affairs is on the chopping block if this administration is reelected in November.

It is not about what is said; it is about what is being done. I would ask the American people to keep their eye on what is being done, not what is being said. And after celebrating Memorial Day and honoring our veterans, I cannot imagine how some people in this town could even propose to cut veterans benefits.

On Memorial Day, when I had an opportunity to talk to so many of the veterans in my district, one of their number one complaints was that they are not able to get the kind of medical care now that they need. They cannot even get the medical care for their spouses. And these are men and women who have given so much to their country believing that there would come a time that they would be able to get the type of benefits that they needed.

But this administration, while making wonderful, wonderful speeches at the new World War II memorial, at the same time is cutting benefits. It is unconscionable to think that the men and women who served this country would have to endure their elected officials turning their backs on them when they return home and need services.

And so it is, Mr. Speaker, that we have a situation where this administration has decreased Federal revenues, raised deficits through poor policy decisions, and is now telling the American people that they must sacrifice their children's educations or veterans benefits to pay for it all. Something is glaringly wrong with this picture when we ask our elderly veterans to take a cut, when we ask our children, now that it is their chance to get an education through Head Start and other programs that will support them and allow them to be all that God meant for them to be, it is simply not right that we would cut those things that would help our children get to where they have to go and cut the things that would help our veterans not only survive but thrive and live meaningful lives.

Mr. Speaker, I think the American people must put all of this in context of the budget conference that recently passed this House of Representatives. In order to pay for the President's prized tax cuts and to get the most political gain, this House agreed to a budget resolution that only extended out for 1 year. Traditionally, Congress considers budgets that take into account 10 years' worth of Federal spending. But knowing that a 10-year estimate would reveal their fiscal mismanagement, this administration and the Republicans in Congress chose to pass a 1-year budget that would mask the true cost of the tax cuts, a poorly crafted Medicare bill, and the war in Iraq.

Over and over again, members of the Congressional Black Caucus have come to the floor and not asked the American people but begged them to look at what was happening in this Congress and look at what this White House is doing and use a very simple commonsense measuring tool, and that measuring tool would simply be how, if you had a similar circumstance in your home, how would you handle that.

In other words, if you had an increase in problems in your home, if you had emergencies in your home, would you then go to your employer and say cut my pay? Well, basically, that is what has happened here. Here we have a war in Afghanistan, here we have a war in Iraq, here we have also a situation where we now have to have something

called homeland security; and so our costs are increasing to the tune of $25 billion, the most recent request from the President. But at the same time, the President makes a decision, and my Republican colleagues agree, to cut taxes on the richest of the rich. Something is simply wrong with that picture.

□ 2245

There are many people that sit and they say to themselves, it is good that I get my money back, and I can understand that, but one of the things that we have to realize is that most of the middle class get very few funds back on this tax cut. The fact is that we have a situation where in Maryland, for example, those middle-class folks who got a tax cut of maybe $600, $700, they saw the tuition of their students at State colleges go up some 30 percent in some instances. In Baltimore, sewer taxes have gone up, and there are proposed taxes with regard to property. So taxes are going up. They are also seeing that their services are lessened because there is not as much money coming through the State coffers.

So the question is: Is this a shell game or what? Is it a shell game that on the Federal level you tell me I am getting a tax cut and at the same time tax cuts are taking place for the richest of the rich? The fact still remains that services are reduced.

Mr. Speaker, the American people should truly take a look at their household finances and their general well-being and ask themselves, is my family better off now than we were 4 years ago? I would submit that they would have to answer no. Further, will the Nation be better off 4 years from now if we continue on our current course? I would guess that the average American would answer no to both of these questions.

In 2 days the Department of Labor will release its monthly unemployment situation report. For the good of the country, I hope the numbers reflect a positive change in the unemployment situation. But, regardless, we cannot allow ourselves to forget about the unemployed people that those numbers represent. I have often said that so often what we do is we look at statistics, and we get so caught up in numbers that we forget that there are faces and there are families behind those statistics.

Although the President and others in this administration are traveling the country touting job growth, we cannot allow ourselves to forget that the economy has yet to create a single net job under this administration, not one, no, not one.

So I ask, Mr. Speaker, what should all of the millions of people who have lost jobs, the 150,000 workers who are joining the workforce every month and the college graduates, like the ones I spoke to recently at Shaw University and Carnegie Mellon University, do to find work in an economy that has not created a single job since January, 2001? Real people, Mr. Speaker, are struggling to supply the most basic needs to their families and continue to pound the pavement every day in desperate search of a job.

If I were to ask the more than 120,000 unemployed people in my home State of Maryland if they are better off than they were 4 years ago, I believe the overwhelming majority would probably say no. Not only are they without work, but this administration continues to cut the social services that are supporting their very survival.

Mr. Speaker, if you look closely, you will find that among the 2006 cuts that the administration is secretly planning to make are job training and small business programs. As I listened to my colleagues a few minutes ago on the other side talk about retraining people for jobs when they lose a job, I wonder if they are communicating with this White House which is, at the same time as they are talking about trying to train people for jobs, here we have a White House that is submitting a budget to literally cut the training from underneath those people who are unfortunate to lose their jobs. It is counterproductive and, frankly, disingenuous to talk about job creation publicly yet cut every program that will create jobs when no one is looking.

So, Mr. Speaker, as I conclude, I must say tonight that something is wrong with this picture. Our President continually talks about being a compassionate conservative, but, as many people have said, the only people he seems to show compassion to are conservatives. Everyone else just simply seems to be out of luck and out in the cold.

Mr. Speaker, the American people cannot afford 4 more years of this President. For one, our country will be bankrupt and the domestic programs that are the life-line for tens of millions of Americans, not just African Americans but all Americans, will be decimated. This is a risk we simply cannot take. This is a risk we simply cannot afford.

That is why, just as we saw yesterday in South Dakota and all across this country, Americans are exercising their civic duty to vote. We saw record numbers of people coming out during the Democratic primaries. Why? Because they are frustrated, and they want a change. They are the ones, as they march to the voting booth, who have already answered the question, am I better off today than I was 3.5 years ago, and they are saying, no. They are saying, yes, I will vote.

They ask themselves another question as they walk into the voting booth, and that is, will we be better off if we ask this question 4 years from now than we are today? And I think clearly their answer is no. I believe that after January 20, 2005, there will be new leadership in the House of Representatives, the United States Senate and 1600 Pennsylvania Avenue. This new leadership will take charge to put America back on track, will take charge to put America back to work. It will take charge to make sure that our children, whose gifts are already wrapped up in them, have an opportunity to display their gifts and be all that God meant for them to be. They will take charge to make sure that college students have an opportunity to get an education and that the Pell Grants that now have level funded, basically, are expanded so that young people can have their opportunity.

In closing, I am always reminded that we just celebrated the 50th anniversary of Brown v. Board of Education. I will never forget a young lady named Kayla from the John P. Sousa School when she came before one of our programs celebrating Brown. She came with some very simple words, but they were very profound. Here was this little girl standing on her tiptoes, very frail but very healthy.

She stood up, and she said my name is Kayla. She said I am a student at the John P. Sousa School here in Washington, D.C. She said 50 years ago my school was segregated, and she said today my school is segregated. She said 50 years ago my school was all white, and then she said, 50 years later, my school is 98 percent African American and 2 percent Hispanic. She said I have seen the pictures of my school, the John P. Sousa Middle School, from 50 years ago. She said it was a beautiful place, one of the most beautiful places I have ever seen. She said now it is much different.

Her words were so piercing and left almost everybody in the room in tears when she said this. She said, today, when I go to school, I have no library because the adults tell us we cannot afford a librarian, so we have no library. She said I have had an opportunity to look at a few books in the place they call a library, and I noticed that many of them are the same books which existed on the shelves back in 1951.

She went on to say that so often she comes to school and it is damp because rain is coming through the roof. She talked about the bathrooms and how she refused to go so often and waited until she got home to relieve herself because the bathrooms were in such bad shape.

But then she asked the question which I think we must all confront. She said, as adults, I just ask you to do this. It is now my chance to get an education. It is my chance to have a decent childhood. It is your responsibility to provide me with that so that I can grow up to be who I want to be.

So it is not just the Kaylas of the world who suffer. It is our veterans. It is our students. It is all of those people who simply want an opportunity to get across a bridge that will allow them to turn back and help others across the bridge of this great society. Mr. Speaker, we cannot continue to cut the services to them and at the same time cut the taxes for the richest of the rich.

Mr. Speaker, I yield to the gentleman from Florida (Mr. MEEK), who has worked so hard on these issues and has been constantly at the forefront of trying to make sure that we do have balance in our country, trying to make sure that we deal with our economy, that we deal with our welfare with regard to this country in a balanced approach, but at the same time one who sits on the Committee on Armed Services and makes sure that our soldiers are supplied with the kinds of equipment that they need, that they are given the kinds of uniforms and the kind of support that they need.

I applaud the gentleman for his many, many efforts. Not only has he been at the forefront of our domestic issues and certainly those with regard to war, but he has also been one who has stood up over and over again with regard to peace and that is trying to bring peace to a foreign land called Haiti. The gentleman has spent countless hours in that country meeting with people, trying to make sure that humanitarian assistance is brought to those 8 million people who suffer.

Recently, the gentleman has spent a phenomenal amount of time trying to make sure that those flood victims in Haiti get the kinds of supplies that they need. A true leader and a true friend, I yield to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, I thank the gentleman for those very kind words. It is always an honor to address not only the U.S. House of Representatives but the American people.

I think it is very important when the gentleman from Maryland (Mr. CUMMINGS) was talking about many of the issues happening to Americans versus for Americans, and I think it is important that we speak from the position of fact, not fiction.

What we are talking about here is actually fact. This is the President's budget that he has put forth. This House on the majority side has passed a budget that in some instances undercut the President's budget. I thought tonight I would share with the American people some of the things that have taken place in this budget that is really jeopardizing our national security.

I think it is very, very important for this time after Attorney General Ashcroft had his famous press conference last week unveiling potential terrorist attacks on our country, possibly these terrorists could be in the continental United States, information that even the Department of Justice admits that they have known for the last 30 days, 30 days prior to that but failed to share with the American people.

Also at that press conference, I thought it was very interesting, we have the largest Federal agency in the history of the Republic and the history of the world called the Department of Homeland Security. I thought it was something fundamentally wrong. I am looking at this great announcement taking place, and there was no Secretary Tom Ridge at the Department of Homeland Security because he did not know that this press conference was taking place.

I will share with Members that Homeland Security is a very, very important agency in communicating with local government, giving them the kinds of direction and intelligence that they need to be able to fight the fight on the front end. We call it Homeland Security. I would say front-line security when it comes down to cities and counties and even all of the way down to the school boards of things that they have to do to protect the citizenry in their area.

But I can tell Members that the budget as we look at it and look at the COPS program that the President has cut, words are inadequate to even describe it.

□ 2300

The cut in the COPS Program, which is the community policing program that so many Americans appreciate, so many young lives have been diverted from a life of crime, so many crimes have been prevented in local communities and States, all to have enough money to be able to allow individuals that are making an enormous amount of money to get a larger tax cut, I think that is unfair. I think it is unfair to our men and women that are wearing blue; I think it is unfair to firefighters that are out there where the fire program was cut. We are opening fire stations in Iraq, but we are closing fire stations in New York City. I think it is important as we say that we honor our first responders, that we do not dishonor them by cutting the very funding that they are looking for.

The Firefighter Grant program was cut by $246 million. That is a lot of money, Mr. Speaker. It was cut for the sake of making sure that individuals that are well, well, well off have an opportunity to receive their tax cut. Then, on top of that, they try to make it permanent.

Also when you look at local law enforcement, for State and local law enforcement, also $959 million was slashed from the budget by the President. As we look at interoperability, when I used to be a State trooper in Florida, sometimes you would show up on an emergency scene and you will have a city or county law enforcement officer there. Many times, because in my particular area we had what we call interoperability, we were able to talk to one another to be able to save lives. Now this has been cut out of the budget.

In so many places in America, they do not have that opportunity to be able to talk to one another. In this time of terrorist threat and living under this new threat that we have right now of individuals possibly being on U.S. soil, individuals that wake up and go to bed every night with the thought in their mind and their heart that they want to carry out some level of harm to an American, no matter who you are, if you are a woman or you are a man or you are a minority or you are not a minority, if you are Native American, as long as you are an American, there are people that wake up in this world and in the continental United States saying, how can I carry out terror on these individuals? How can I disrupt their lives?

So these cuts that are being made, we are not just talking about school lunch programs. That is important. We are not just talking about hopefully trying to get a health care plan that the 43 million people without health care can have health care one day, affordable health care. That is important. Medicare, being able to make sure that we have an affordable prescription drug program that works for the individuals that need it versus for the individuals that are making the drugs. That is important.

But I will tell you what is very important is to make sure that we do not see a disruption in the way that we live our lives day in and day out. And the way this White House, and then the Congress, turned around, the majority turned around and even made it worse in cutting the very programs and the very funding that local governments need.

Now, Mr. Speaker, I want to make sure that we are clear on this, because I want to make sure the American people understand what I am saying. If a terrorist was to carry out or attempt to carry out an act in your local town, community or city or State, Members of Congress are not going to run down there and try to take care of things. It is going to be that first responder. It is going to be that police officer, it is going to be that firefighter, it is going to be that paramedic, it is going to be the individuals working in the hospitals, it is going to be the nurse that you look at every day, the doctors that you look at every day that will respond to that act.

Guess what? If they do not have the equipment to respond appropriately, if they do not even have the radio equipment to be able to communicate with a number of agencies that they must communicate with, to be able to hopefully contain the situation or prevent it, the penny will outweigh the pound in that instance.

So one wonders why the law enforcement community has found themselves running to Senator JOHN KERRY for support or help. They are running there because they do not see it in the budget. They do not see what we are saying in the budget reflecting our real purpose here and making sure that they have what they need.

This hits right here, because I was a State trooper for 5 years; and I will tell you, equipment is important, to be able to not only make sure I was able to go home to my family, but to make sure that many others, from the State I am

from, Floridians, were able to go home to see their families. If I did not have what I needed to protect them and prevent crime or accidents or what have you, then it is for naught.

Now, let us look at this. When we cut the budget here, Mr. Speaker, it is a trickle-down effect. It is something we call here in Washington ''devolution of taxation.'' We say, well, we will cut your taxes here. We will send you a $32 check in the mail, and maybe you can go out and get a Number 2 or Number 3 at Burger King or McDonald's for you and the kids. But in reality we are passing that down to the State government.

I have shared this on the floor before in the past, but I want to make sure the American people understand what is happening right now in real time. It goes down to the State, your local State. The State does not have the prerogative that we have.

We have the opportunity to take out a credit card, swipe it and just put it on the Federal debt, which I must say right now, Mr. Speaker, is the largest debt in the history of the Republic, in the history of this country.

I am not proud of that debt, and we did not get there by providing the dollars that we provided, minimum dollars we provided to local and State law enforcement to say we are putting it out there and we have given some money here and there and had a couple of check presentations on your local television station.

But this debt came from the tax cuts for the very wealthy individuals in this country. This debt came from going into war unplanned, which I must say you pull out Time magazine and the individuals that are writing about this and have been following what has been going on in Iraq, and read about mistake after mistake after mistake that have cost American lives, that have cost the taxpayers money. We called ourselves going with the willing. We went with individuals that we helped fund to make it to Iraq.

For those individuals that have served, rotated in and out of Iraq, those individuals that are watching us right now missing a limb, have facial scars from shrapnel, those individuals' families that are watching that never made it back, we honor and appreciate them every time we get an opportunity.

But there are some individuals that are in suits and ties that are making decisions that are not only sending this country into further debt as it relates to the effort in Iraq, but also because we did it the way we did it, did not provide the troops with the very things that they needed, going back to equipment and going back to following up on our responsibility of making sure that they have the equipment that they need, the armor that they need, of making sure these Humvees have armor around the doors, making sure we are able to head off these bombs that are detonated by cellular phones, we are just catching up.

It was a DOD report that said almost 25-plus percent of the injuries that took place could have been avoided if they had what they needed.

So when you hear individuals, and I heard the chairman speak when we started talking about devolution of taxation, and I just wanted to go there with the troops for a moment so that individuals know this is not just local government, this is throughout the Federal Government, that when it goes down to the State, they have to balance the budget.

And how do they balance it? Well, they cut the resources they would ordinarily give to taxpayers and your local city or town. So when that happens, that means that the local government, they have to turn to the family. That is where the buck really stops.

Think about it in your community. How many bond referendums have taken place recently to be able to raise money to run your schools or build your schools?

□ 2310

How many opportunities where someone has said, well, you know, we no longer have the feeding program for your grandmother or your aunt or even yourself who is watching right now; we had to cut that because the funding ran out.

Let me tell my colleagues, there was a lot of money to work with before the President took office. We were around here, Congress was around here talking about how are we going to spend, how are we going to manage and spend appropriately the surplus, of making sure that we are able to make sure that Social Security was not bankrupt, make sure that we are able to get a health care plan, where we do not have individuals that are punching in and punching out every day at work, working the midnight shift, some working two jobs and still do not have affordable health care. How do we help small businesses provide that health care to individuals? How do we help our young people prepare themselves to be able to be our leaders and Members of Congress and business owners in the future? How do we do that?

How do we make sure that we raise the education commitment from the Federal Government to the State government and local governments to make sure that we have a quality early childhood education program? How do we make sure that every troop who goes into a theater of war to put his and her life on the line, every Reservist that goes on active duty, how do we make sure that they have the equipment that they need to be able to defend this country; the very freedom that veterans have provided us right now, the democracy that we live under, the flag that we stand under? How do we make sure that those individuals are not sent in? And we are saying we are right behind you and we continue to drop more and more back as we look at show me the money. Show me the commitment. Show me that you are going to stand with me.

We have individuals right now, and this is not the Kendrick Meek report, you can read about it, you can ask a Reservist, you can ask someone who has gone into theater. Yes, they used to write letters and asked to be sent cake or sent candy or sent a picture. Now they are writing letters back home saying, send me a bullet-proof vest. Send me something for my radio. Send me some duct tape because I am having to make sure for my uniform. Send me an extra pair of pants. Send me a cap. Go down to the Army Navy store and buy this canteen for me.

Mr. Speaker, individuals are sleeping right now with sand in their teeth. The last thing that they should have to do and the last thing that their loved ones should have to do is to have to worry about equipment. But, better yet, when the question is asked, who is paying on some level or experiencing some sacrifice with what these men and women are doing in Iraq and Afghanistan fighting the war against terrorism, trying to set forth a democracy in Iraq?

So I think it is important, I say to my colleagues, that we remember that it is not all about press conferences and talking about how we support the troops. On this floor, every time something flares up in Iraq, someone wants to put forth a resolution supporting the troops. We support the troops. The troops know we support them. We do not have to every time something flares up, well, let us divert, let us see who is going to vote to support the troops and who does not support the troops. Supporting the troops is making sure the troops have what they need. And as we look at it right now, I say to my colleagues, they do not, and we are still talking about how we can get more of them there.

So, Mr. Speaker, as I wrap up, I just want to say that what this administration has done has not been a proper response to a post-9/11 experience. Harvard University had former Senator Sam Nunn, who is an outstanding patriot and a member of the Committee on Armed Services for many years in the other body, well-respected from Georgia, and they had an opportunity to look at nuclear weapons and what is the picture right now? What has happened in the last 4 years? We secured more nuclear stockpiles 2 years prior to 9/11 than we did 2 years after 9/11. And what we are hearing publicly from the CIA, they are more concerned about a nuclear weapon coming on a freighter or a container that can shut down the economy in New York or Miami or any of these major port cities, Los Angeles or one of the 361 ports we have here in this country, but, better yet, they are more accessible.

So it is important. This is serious business when we start talking about national security. It is serious business when we start talking about men and women in a forward area, and it is very serious when it comes down to the fact

that we are making tax cuts permanent for individuals that are out buying Hummers and things of that nature, out with major disposable income saying that we are hurting and we need another tax cut; better yet, we need to make it permanent in the light of cutting the Federal commitment to State government, cutting the Federal commitment to local government, cutting the Federal commitment to local schools, cutting the Federal commitment to our troops when it comes down to what they need.

So someone can get on the floor and they can go and talk for 2 or 3 hours talking about how much they love the troops, but it is not reflected in the budget, and it is not reflected as it relates to the equipment that they need on the ground there.

So, Mr. Speaker, I think that it is very appropriate that we share with the American people every week that this is not a Democrat, a Republican, or an independent issue. This is an American issue. This is an issue that Americans are fed up with, this continued lack of responsibility when it comes down to the Federal commitment to their local, State and local government.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for his excellent statement. I am going to sum up and just reemphasize some of the things that he has said.

I think a Thursday, May 27, article by Jonathan Wiseman of the Washington Post, I just want to quote part of it, and the gentleman may have a comment on it. But the gentleman started off by talking about how real, we have to deal with real facts. And the gentleman said that the fact is that the President does submit a budget, and so we speak from that budget tonight and its devastating effect on so many Americans.

I had spoken earlier about the fact that this budget affects so many of our young people. I just want to quote from Mr. Wiseman's article. He says, ''The Women, Infants and Children nutrition program was funded at $4.7 billion for the fiscal year beginning in October, enough to serve the 7.9 million people expected to be eligible.'' But he goes on to say, ''In 2006, the program would be cut by $122 million.'' He says, ''Head Start, the early childhood education program for the poor, will lose $177 million, or 2.5 percent of its budget, in fiscal year 2006. The $78 million funding increase that Bush has touted for homeownership programs in 2005 would be nearly reversed in 2006 with a $53 million cut. The National Institutes of Health spending would be cut 2.1 percent in 2006 to $28 billion after a $764 million increase for 2005.'' That brought the NIH budget to $28.6 billion.

''Finally, a subject that is near and dear to all of us: homeland security. A centerpiece of the Bush reelection campaign,'' says Mr. Wiseman, ''would be affected. Funding would slip in 2006 by $1 billion to $29.6 billion, although that would still be considerably higher than the $26.6 billion devoted to that field in 2004, according to an analysis of the computer printout put out by the House Committee on the Budget Democrats.''

So we have this situation where we are simply talking about balance, and we have often said, members of the Congressional Black Caucus, let us deal with the Nation's problems like we would deal with our most serious family problems.

Basically, what we have called for was common sense, understanding that whenever we have a family problem, we pause, we analyze the situation, we are flexible, we come up with solutions that are appropriate for the problem.

□ 2320

I seriously question whether or not we are dealing with solutions appropriate to the problem, because everything seems to be out of balance. And so it is tonight, the Congressional Black Caucus comes and simply says that we are looking for balance. Yes, we must address the issue of terrorism. Every single one of us never wants to see planes flying into any building. None of us want to see chemical weapons released out into places where they could do harm. We do not want that. We want to fight terrorism, but at the same time we fully understand that we have got to make sure that we take care of the people here in the United States.

And if I have to say it a million times, I will say it over and over again, so often when people hear members of the Congressional Black Caucus or even hear the words ''Congressional Black Caucus'' they assume that we are only talking about and for African American people. And, ladies and gentlemen, I am here to tell you that the people that we speak for are Americans, no matter what their color may be. We want to make sure that every American has the opportunity to be all that God meant for them to be.

One of the things that I often say, as I yield to my friend, is that when I get up in the morning, after I pray for myself and my family, I ask God to give us as a Congress, give us the opportunities and the wisdom and the discernment to increase our constituents' opportunities to be blessed so that they can live the best lives that they can.

And so that is what this is all about. Not only our constituents, but as we well know, what we do in this body not only affects the constituents in our district, the constituents in our country, but, I would submit, our constituents of the world. It is not just limited to this country.

Mr. Speaker, I would now yield to the gentleman.

Mr. MEEK of Florida. Mr. Speaker, I just want to say that the gentleman is 110 percent right. I am so glad you shared the article with the American people and the Congress.

Today I wore the World War II pin they gave us when we were there at the dedication. I went with my uncle, King Pitman, and my mother, Congresswoman Carrie Meek. It was a very proud moment in their lifetime, the experience of the time of World War II. My uncle is a Korean veteran and he is a part of the VA. He is injured. He is disabled. He is in a wheelchair. I could not help but look at the other patriots that were out there. They asked for all the veterans to stand up and those that could stand, they stood. Some just put their hand up because they could not stand. These are the individuals that fought such a wonderful, wonderful war on behalf of our freedom. There was a lot going on during that war. There was a lot going on in Congress during that war.

But I will tell my colleague this, that I could not help but think on that day we did honor them. And, yes, they were without a place in our Mall for their service. And now they have a memorial that is outstanding. And I commend those that put forth the private sector dollars and also the Members that put forth the legislation to make that happen.

But I could not help but think the reality on Tuesday morning that if they went to the VA the line and the wait would have been almost as long when it comes down to health care as it took for them to be recognized by this country.

I will tell you this: we say that we love them, we say that we appreciate them, but when it comes down to being able to provide just the simple health care that they were promised, they have to wait weeks and months. VA hospitals are being closed throughout this country. And we are adding more and more veterans as we fight this effort in the gulf, as we fight this effort in Iraq and Afghanistan and the Horn of Africa. More and more veterans are being added to the rolls. I will tell you if veterans are having it hard now, I will tell you, if this Congress, if the American people do not do what they need to do in November to make sure that we have leadership in this House, that we have leadership in the White House, and that we have leadership in the other body that is going to set that as a priority, that we need to make sure that these veterans get what they deserve. And that is respect, number one, and to make sure that they get the health care that they were promised when they signed up. They did not sign up to wait in line, especially every day.

My son, we have an American flag outside of our house in Miami. It flies. We keep the light on it. We make sure no matter what is going on in the world that we appreciate and we honor their patriotism and we honor this country. But it is just a sad commentary that we can go and say, fine, you are a wealthy individual, and I am not upset with individuals being wealthy, maybe one day I can maybe in another life. But when we have veterans that are waiting in the lines and

not receiving the kind of health care that they deserve and not being appreciated in the way they should be appreciated, I think we can do better things with that money to be able to make sure that we honor them.

I thank my colleague for allowing me to be here tonight. I look forward to the Congressional Black Caucus continuing to come to the floor to share with the American people about what is going on under the dome here in Washington D.C.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman again for his leadership. The gentleman has been here for less than 2 years now, but has made a tremendous impact on so many of us. We are very proud of his leadership.

As we close, Mr. Speaker, I assume we have about a minute, let me just say this, that the gentleman did make a point that I want to reemphasize. We want to make sure we have a strong military. But young people, if they are listening to what we are saying and they are informed, a lot of times young people will go into the military, they are looking forward, they have a vision of their future, and they want to serve this country, they want to give it their best; but they also look beyond their service. They are saying what benefits will come to me? What benefits will come to my family? So I think probably one of the best recruiting tools for a strong military is for us to keep our commitment.

When they see their grandfathers doing what the gentleman just said, waiting in long lines for their relatives and friends, that does not say very much for us.

So I think as we are in this war and as we stand up for our soldiers, we must also stand up for our veterans.

Mr. MEEK of Florida. The gentleman is 110 percent right. Veterans should not get the voice mail when they call the VA. They should get the person that is going to treat them the way that they should be treated and make sure they are scheduled for whatever appointment they need in a reasonable time and not wait 3 or 4 months just to see an optometrist.

Mr. CUMMINGS. I think it is very appropriate that we end on that note, Mr. Speaker, a note about the people we just spent a day saluting and letting them know how much we love them; but now it is not only time to salute them and tell them that we love them but it is also time to make sure that we do for them as they have been promised.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise as Member and First Vice Chair of the Congressional Black Caucus to warn our great nation. The current Administration—one that has made promises, one that has amassed tremendous debt, and one that has gotten us into a war and subsequent occupation that can be characterized as a financial abyss has put government agencies on notice this month that if reelected, the 2006 budget may include cuts for virtually all agencies in charge of domestic programs, including education and homeland security.

In the Administration's ''accidental'' memorandum proposing potential budget cuts fails to realize that when cuts are made across the board, vulnerabilities are created in each area, and we then have a homeland security problem.

A Washington Post article (May 27, 2004, Page A01) entitled ''2006 Cuts in Domestic Spending on Table,'' a budget analyst at the conservative Heritage Foundation tried to rationalize the Administration's proposed 2006 cuts in stating, ''I think the public is ready for spending cuts . . . not only does the public understand [sic] there's a whole lot of waste in the federal budget. However, the public is ready to make sacrifices during the war on terror.'' There is something troubling about that statement, something that is endemic to the entire Administration. The public's supposed willingness to sacrifice is obviously in respect of the need to conserve and enhance our domestic homeland security policy. Why on earth would the public not want to spend more money on improved homeland security? National Institutes of Health (NIH) spending would be cut 2.1% in 2006, to $28 billion, after a $764 million increase for 2005 that brought the NIH budget to $28.6 billion. We won't be worrying about improving our biodefense programs, apparently.

This is good news, bad news situation. The good news is that President Bush has hurt his chances of being elected again by letting people know that, if he is reelected, his budget for 2006 will include spending cuts for virtually all agencies in charge of domestic programs, including education, homeland security and others that the President backed in his campaign year. That will hurt his chances of being reelected. The bad news is that if he is reelected, his budget for 2006 will include spending cuts for virtually all agencies in charge of domestic programs, including education, homeland security and others that the President backed in his campaign year.

J.T. Young, a spokesman for the White House Office of Management and Budget, said in a memo that, ''Agencies have asked for this sort of direction.'' Maybe that is true, but the rest of us didn't ask for such a negative policy. We need domestic programs, including education, homeland security, and others that the President backed in his campaign year.

The funding levels referred to in the memo would be a tiny slice out of the federal budget—$2.3 billion, or 0.56 percent, out of the $412.7 billion requested for fiscal 2005 for domestic programs and homeland security that is subject to Congress's annual discretion. It will not offset the enormous expense of the war in Iraq, an expense that we cannot even begin to estimate. But it will hurt the American people. We depend on these programs.

I am amazed by some of the items on his chopping block: The Education Department; a nutrition program for women, infants and children; Head Start; and homeownership, jobtraining, medical research and science programs all face cuts in 2006. This is very difficult to understand.

It also bothers me that the administration may have to make cuts in key government services to pay for the tax cuts that have gone to the wealthy members of our society. But with the budget deficit exceeding $400 billion this year, tough and painful cuts are unavoidable, said Brian M. Riedl, a budget analyst at the conservative Heritage Foundation, and this may be true. As I have said in the area of immigration law, we need to work together to solve our problems. If we have to cut expenses, the decision on what should be cut needs to be made on a bipartisan basis.

Another approach to offsetting our deficit would make more sense to me. We presently have between 8 and 14 million undocumented aliens living in the shadows of our society. If we brought them out of the shadows and made it possible for them to obtain good employment, they could contribute to our ability to pay off the deficit with the income taxes that they would pay.

Mr. Speaker, thank you for giving us time to discuss these important issues.

Mr. CUMMINGS. Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BERKLEY (at the request of Ms. PELOSI) for today before 5:00 p.m. on account of a death in the family.

Mr. BALLANCE (at the request of Ms. PELOSI) for today and June 3 on account of personal reasons.

Mrs. EMERSON (at the request of Mr. DELAY) for today and June 3 on account of attending daughter Katharine's graduation from Washington and Lee University.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

Mr. GILCHREST, for 5 minutes, today.

Mr. KLINE, for 5 minutes, today.

Mr. BONNER, for 5 minutes, today.

Mr. TERRY, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today and June 3.

Mr. CHOCOLA, for 5 minutes, today.

ADJOURNMENT

Mr. CUMMINGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, June 3, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8328. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [OPP–2004–0136; FRL–7358–7] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8329. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Ultramarine Blue; Exemption from the Requirement of a Tolerance [OPP–2004–0056; FRL–7357–6] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8330. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imidacloprid; Pesticide Tolerance [OPP–2004–0090; FRL–7348–1] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8331. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04–05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8332. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8333. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Illinois [IL222-1a; FRL-7666-1] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8334. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans California — San Joaquin Valley PM-10 Nonattainment Area; Serious Area Plan for Attainment of the 24-Hour and Annual PM-10 Standards [CA 294-0450, FRL-7663-8] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8335. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Emissions from Commercial and Industrial Solid Waste Incinerator Units [VA141-5075a; FRL-7666-5] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8336. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Determination to Extend Deadline for Promulgation of Action on Section 126 Petition From North Carolina [OAR-2004-0076; FRL-7667-3] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8337. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion [FRL-7667-5] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8338. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination that State has Corrected a Deficiency in the California State Implementation Plan, Ventura County Air Pollution Control District [CA 169-0440c; FRL-7665-3] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8339. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District, Feather River Air Quality Management District, Kern County Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, San Bernardino County Air Pollution Control District, Santa Barbara County Air Pollution Control District, and Yolo-Solano Air Pollution Control District [CA 040-0448a; FRL-7662-2] received May 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8340. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 04-12), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8341. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services with Canada (Transmittal No. DDTC 027-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8342. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan and the United Kingdom (Transmittal No. DTC 030-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8343. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom and Norway (Transmittal No. DDTC 025-04), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8344. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles thatare firearms controlled under category I of the United States Munitions List sold commercially under a contract with Colombia (Transmittal No. DTC 130-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8345. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to The Netherlands and Belgium (Transmittal No. DDTC 028-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8346. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the Republic of Korea and Germany (Transmittal No. DDTC 032-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8347. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the annual report on Military Assistance, Military Exports, and Military Imports for Fiscal Year 2003, as required by Section 655 of the Foreign Assistance Act of 1961 (FAA), as enacted 10 February 1996, by Section 1324 of Pub. L. 104-106, and 21 July 1996, by Section 148 of Pub. L. 104-164; to the Committee on International Relations.

8348. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8349. A letter from the Paralegal, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform.

8350. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8351. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the audited Sixty-Third Financial Statement for the period October 1, 2002 — September 30, 2003, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

8352. A letter from the Secretary, Department of the Interior, transmitting a draft bill ''To modify the boundary of the Castillo de San Marcos National Monument, in the State of Florida, and for other purposes''; to the Committee on Resources.

8353. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; [Docket No. 2002-NM-335-AD; Amendment 39-13550; AD 2004-07-06] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8354. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. 2002-NM-101-AD; Amendment 39-13554; AD 2004-07-10] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8355. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A321-111, -112, and -131 Series Airplanes [Docket No. 2002-NM-17-AD; Amendment 39-13559; AD

2004-07-15] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8356. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-235 Series Airplanes [Docket No. 2002-NM-160-AD; Amendment 39-13560; AD 2004-07-16] (RIN: 2120-AA64) received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8357. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airwothiness Directives; Boeing Model 767-400ER Series Airplanes [Docket No. 2002-NM-287-AD; Amendment 39-13555; AD 2004-07-11] received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MCGOVERN (for himself, Mr. BRADLEY of New Hampshire, and Mr. EVANS):

H.R. 4477. A bill to amend the Uniform Services Employment and Reemployment Rights Act of 1994 to require employers to post a notice of the rights and duties that apply under that Act; to the Committee on Veterans' Affairs.

By Mr. MANZULLO:

H.R. 4478. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through July 23, 2004, and for other purposes; to the Committee on Small Business.

By Ms. CARSON of Indiana (for herself, Mr. CLAY, Ms. LEE, Mr. OWENS, Mr. THOMPSON of Mississippi, and Ms. WATSON):

H.R. 4479. A bill to amend the Help America Vote Act of 2002 to prohibit States from denying certain veterans who have been convicted of a felony and who have completed their sentence the opportunity to register to vote or vote; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER of Ohio (for himself, Mr. BOEHNER, Mr. BRADLEY of New Hampshire, Mr. CHABOT, Mr. CHOCOLA, Mr. ENGLISH, Mr. GERLACH, Mr. GILLMOR, Ms. HART, Mr. HOBSON, Mr. HOEKSTRA, Mrs. JOHNSON of Connecticut, Mr. KLINE, Mr. LATOURETTE, Mr. NEY, Mr. OXLEY, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. REGULA, Mr. ROGERS of Michigan, Mr. SHAYS, Mr. TIBERI, Mrs. JONES of Ohio, and Mr. WALSH):

H.R. 4480. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers a credit against income tax for expenditures to remediate contaminated sites; to the Committee on Ways and Means.

By Mr. BLUNT (for himself, Mr. GRAVES, Mr. AKIN, Mr. CLAY, Ms. MCCARTHY of Missouri, Mr. SKELTON, Mrs. EMERSON, Mr. GEPHARDT, and Mr. HULSHOF):

H.R. 4481. A bill to amend Public Law 86-434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes; to the Committee on Resources.

By Mr. BISHOP of New York:

H.R. 4482. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to prohibit the dumping of dredged material in certain bodies of water; to the Committee on Transportation and Infrastructure.

By Mr. BROWN of South Carolina:

H.R. 4483. A bill to suspend temporarily the duty on 1,2 Hexanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 4484. A bill to suspend temporarily the duty on 1,2 Octanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 4485. A bill to suspend temporarily the duty on Methyl Salicylate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 4486. A bill to suspend temporarily the duty on Anisic Aldehyde; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 4487. A bill to suspend temporarily the duty on 1,2 Pentanediol; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. POMEROY, and Mr. RAMSTAD):

H.R. 4488. A bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 4489. A bill to amend title 18, United States Code, to mandate a life sentence for repeat sex offenders; to the Committee on the Judiciary.

By Mr. GRIJALVA:

H.R. 4490. A bill to provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe, and for other purposes; to the Committee on Resources.

By Mr. HOBSON (for himself and Mr. FORD):

H.R. 4491. A bill to amend part B of title XVIII of the Social Security Act to repeal the reduction in Medicare payment for certain items of durable medical equipment; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REGULA (for himself, Mr. LATOURETTE, Mr. BURNS, Mr. WILSON of South Carolina, Mr. RYAN of Ohio, Mr. GORDON, Mr. ENGEL, Mr. WAMP, Mrs. LOWEY, Mr. HINCHEY, Mr. TIERNEY, Ms. HART, Mr. BOSWELL, Mr. SPRATT, Mr. MEEHAN, Mr. NORWOOD, Mr. MURPHY, Mr. BARRETT of South Carolina, Mr. RAHALL, Mr. MCNULTY, Mr. DEMINT, Mr. BROWN of Ohio, Mr. CLYBURN, Mr. SWEENEY, Mr. DOYLE, Mr. BROWN of South Carolina, Mr. MURTHA, and Mr. NEY):

H.R. 4492. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; to the Committee on Resources.

By Ms. ROYBAL-ALLARD (for herself, Mr. SIMPSON, Mr. SERRANO, Mr. KILDEE, Mr. GORDON, Mr. ANDREWS, Mr. GREEN of Texas, Mr. WALSH, Mr. WEXLER, Mr. MEEHAN, Mr. CUNNINGHAM, and Mr. SCHIFF):

H.R. 4493. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHERWOOD:

H.R. 4494. A bill to designate the Grey Towers National Historic Site in the Commonwealth of Pennsylvania, and for other purposes; to the Committee on Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Con. Res. 439. Concurrent resolution honoring the members of the Army Motor Transport Service that served during World War II and participated in the trucking operation known as the Red Ball Express for their service and contribution to the Allied advance following the D-Day invasion; to the Committee on Armed Services.

By Mr. TANCREDO:

H. Con. Res. 440. Concurrent resolution expressing the sense of Congress that the United States should resume normal diplomatic relations with the Republic of China on Taiwan, and for other purposes; to the Committee on International Relations.

By Mr. BELL (for himself and Mr. BRADLEY of New Hampshire):

H. Res. 659. A resolution recognizing the need for consistent information, regulations, and guidelines regarding the safe disposal of used syringes outside medical facilities; to the Committee on Energy and Commerce.

By Mr. SHADEGG (for himself, Mr. FLAKE, Mr. RENZI, Mr. HAYWORTH, Mr. FRANKS of Arizona, Mr. KOLBE, Mr. PASTOR, and Mr. GRIJALVA):

H. Res. 660. A resolution congratulating Randy Johnson of the Arizona Diamondbacks on pitching a perfect game on May 18, 2004; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. ESHOO introduced A bill (H.R. 4495) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel W. N. RAGLAND; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mrs. MILLER of Michigan.
H.R. 99: Mr. TANNER.
H.R. 195: Mr. ANDREWS.
H.R. 303: Mr. CHANDLER.
H.R. 371: Mr. WAXMAN, Mr. GONZALEZ, and Mr. TIERNEY.
H.R. 545: Mr. CHANDLER.
H.R. 584: Mr. BOUCHER.
H.R. 623: Mr. LAHOOD and Mr. GOODE.
H.R. 737: Mr. MILLER of North Carolina.
H.R. 785: Mr. ISAKSON.
H.R. 806: Mr. SIMMONS.
H.R. 876: Mr. RADANOVICH.
H.R. 880: Mr. THOMPSON of Mississippi and Mr. VAN HOLLEN.
H.R. 935: Mr. HOEFFEL.
H.R. 1043: Mr. ROSS and Ms. MAJETTE.
H.R. 1101: Mr. DEUTSCH.
H.R. 1231: Mr. CUNNINGHAM.
H.R. 1295: Mr. ACEVEDO-VILA.
H.R. 1306: Mr. LAMPSON.
H.R. 1310: Mr. PEARCE.
H.R. 1386: Mr. PASTOR, Mr. BAKER, Mr. WAMP, and Mr. KILDEE.
H.R. 1429: Mr. PAUL.

H.R. 1639: Mrs. NAPOLITANO.
H.R. 1716: Mr. BRADLEY of New Hampshire.
H.R. 1746: Mr. WEINER, Mr. KUCINICH, and Mr. CARDOZA.
H.R. 1755: Mr. MARSHALL.
H.R. 1775: Mrs. JO ANN DAVIS of Virginia.
H.R. 1778: Ms. BALDWIN.
H.R. 1784: Ms. LINDA T. SANCHEZ of California.
H.R. 1824: Mr. SENSENBRENNER, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, and Mr. DEUTSCH.
H.R. 1935: Mr. HASTINGS of Florida.
H.R. 2023: Mr. GILLMOR and Mr. NORWOOD.
H.R. 2133: Ms. PRYCE of Ohio and Mr. ISAKSON.
H.R. 2176: Mr. RUPPERSBERGER, Mr. SCOTT of Georgia, and Mr. EDWARDS.
H.R. 2217: Mr. PALLONE, Mrs. MCCARTHY of New York, Mr. OWENS, and Mr. UDALL of New Mexico.
H.R. 2260: Mr. TIERNEY.
H.R. 2300: Mr. GONZALEZ.
H.R. 2318: Mr. BERMAN, Mr. MEEKS of New York, Mr. BELL, Mr. WAXMAN, Mr. WATT, Mr. LEWIS of Georgia, Mr. THOMPSON of Mississippi, Ms. ROYBAL-ALLARD, Ms. VELAZQUEZ, Mr. ABERCROMBIE, Mr. ACKERMAN, and Mr. BERRY.
H.R. 2494: Mr. DEFAZIO.
H.R. 2527: Mr. GONZALEZ, Mr. DELAHUNT, Mr. LANTOS, and Mr. ISRAEL.
H.R. 2699: Mr. BUYER, Mr. JOHNSON of Illinois, Mr. CHANDLER, and Mr. HOEKSTRA.
H.R. 2711: Mr. SCHIFF.
H.R. 2823: Mr. MILLER of North Carolina.
H.R. 2885: Mr. PICKERING, Mr. ROGERS of Alabama, and Mr. BISHOP of Utah.
H.R. 2929: Mr. WAMP.
H.R. 2950: Mr. PETERSON of Minnesota, Mr. MILLER of Florida, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. WELLER, Mr. RADANOVICH, Mr. QUINN, Mr. MEEK of Florida, and Mr. TURNER of Texas.
H.R. 2963: Mrs. NAPOLITANO.
H.R. 3014: Mr. GRIJALVA.
H.R. 3042: Mr. FOLEY.
H.R. 3085: Mr. ABERCROMBIE, Mr. TOWNS, and Ms. MCCOLLUM.
H.R. 3092: Mr. CHANDLER.
H.R. 3178: Mr. CHANDLER.
H.R. 3273: Mr. WAXMAN.
H.R. 3291: Ms. BORDALLO.
H.R. 3307: Mr. MCINTYRE.
H.R. 3329: Mr. BURGESS.
H.R. 3337: Mrs. TAUSCHER, Mrs. MALONEY, and Ms. ESHOO.
H.R. 3384: Mr. LAMPSON, Mrs. NAPOLITANO, Mr. CONYERS, Mr. LANTOS, Mr. FALEOMAVAEGA, Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Ms. DEGETTE, and Mr. MCGOVERN.
H.R. 3460: Mr. BURTON of Indiana.
H.R. 3474: Mr. PASTOR.
H.R. 3507: Mr. BACA.
H.R. 3545: Mr. VAN HOLLEN.
H.R. 3558: Ms. WATSON and Mr. SCHIFF.
H.R. 3567: Mr. KUCINICH.
H.R. 3579: Mr. BROWN of South Carolina, Mr. HASTINGS of Florida, and Ms. ROYBAL-ALLARD.
H.R. 3604: Mr. ALEXANDER and Mr. BALLENGER.
H.R. 3615: Mr. DEUTSCH.
H.R. 3684: Mr. LEVIN.
H.R. 3736: Mr. CARSON of Oklahoma.
H.R. 3755: Mrs. MCCARTHY of New York.
H.R. 3777: Mr. HINOJOSA.
H.R. 3780: Mr. HINOJOSA and Mr. WAXMAN.
H.R. 3799: Mr. BARTLETT of Maryland.
H.R. 3803: Mr. HINCHEY.
H.R. 3804: Mr. MCINTYRE.
H.R. 3805: Mr. GRIJALVA, Mr. BERMAN, Ms. ESHOO, Mr. HONDA, and Ms. WOOLSEY.
H.R. 3815: Mr. GREENWOOD.
H.R. 3901: Mr. NUSSLE, Mr. CALVERT, and Mr. WALDEN of Oregon.
H.R. 3920: Mr. BILIRAKIS.
H.R. 3953: Mr. AKIN.
H.R. 3965: Mr. GRIJALVA, Ms. WATSON, Mr. GUTIERREZ, Mrs. CHRISTENSEN, Mr. TOWNS, Ms. MCCOLLUM, Ms. PELOSI, and Ms. LINDA T. SANCHEZ of California.
H.R. 4003: Mr. MCGOVERN.
H.R. 4016: Mr. CRAMER and Mr. COOPER.
H.R. 4035: Mr. EMANUEL, Mr. BERMAN, and Mr. PAYNE.
H.R. 4070: Ms. DELAURO.
H.R. 4076: Mr. WAXMAN.
H.R. 4077: Mr. HOYER and Mr. COBLE.
H.R. 4091: Mr. MILLER of Florida, Mr. GILLMOR, Ms. KILPATRICK, and Mr. ETHERIDGE.
H.R. 4097: Mr. OWENS, Ms. SCHAKOWSKY, Mr. CUMMINGS, and Mr. KILDEE.
H.R. 4101: Mr. KENNEDY of Rhode Island, Mr. VAN HOLLEN, and Mr. ANDREWS.
H.R. 4109: Mr. BRADY of Texas and Mrs. BIGGERT.
H.R. 4116: Mr. GOODLATTE, Mr. POMBO, Mr. CRANE, Mr. DELAY, Mr. CASTLE, Mr. NORWOOD, Mr. DREIER, Mr. GERLACH, Mr. MCCRERY, Mr. BROWN of South Carolina, Mr. MILLER of Florida, Mr. TOM DAVIS of Virginia, Mr. CANTOR, Mr. GILCHREST, Mr. TAYLOR of North Carolina, Mr. HOUGHTON, Mr. SMITH of Texas, Mr. HUNTER, and Mr. THOMPSON of California.
H.R. 4126: Mr. HERGER.
H.R. 4131: Mr. HOSTETTLER.
H.R. 4132: Mr. HOSTETTLER.
H.R. 4133: Mr. HOSTETTLER.
H.R. 4147: Mr. UDALL of Colorado.
H.R. 4149: Mr. FILNER.
H.R. 4152: Mr. KILDEE, Mr. UPTON, Mr. RANGEL, Mr. ROGERS of Michigan, Mr. STARK, Mr. KNOLLENBERG, and Mr. TAYLOR of North Carolina.
H.R. 4156: Mr. HINOJOSA.
H.R. 4203: Ms. GRANGER and Mr. BLUMENAUER.
H.R. 4232: Mr. GREEN of Texas, Mr. HENSARLING, and Mr. CARTER.
H.R. 4233: Mr. ABERCROMBIE.
H.R. 4242: Mr. RENZI.
H.R. 4250: Mr. ETHERIDGE, Ms. WOOLSEY, Mr. FROST, Mr. JACKSON of Illinois, Mr. DOGGETT, and Mr. LANTOS.
H.R. 4257: Mr. STUPAK, Mr. CHANDLER, and Mr. HASTINGS of Washington.
H.R. 4284: Mr. BRADLEY of New Hampshire.
H.R. 4288: Mrs. LOWEY.
H.R. 4290: Mr. SERRANO.
H.R. 4305: Mr. FOLEY, Mr. LUCAS of Kentucky, and Mr. MEEKS of New York.
H.R. 4306: Mr. SMITH of Texas.
H.R. 4307: Mr. KINGSTON and Mr. PITTS.
H.R. 4345: Mr. BRADLEY of New Hampshire.
H.R. 4347: Mr. WEXLER, Mr. COSTELLO, Ms. MCCARTHY of Missouri, Mr. WELLER, and Mr. CRANE.
H.R. 4348: Mr. HASTINGS of Florida and Mr. FARR.
H.R. 4354: Mr. GUTIERREZ.
H.R. 4363: Mrs. JO ANN DAVIS of Virginia, Mr. SCHROCK, Mr. GILLMOR, Mr. GONZALEZ, Mr. COOPER, Mr. GREENWOOD, Mr. OSBORNE, Mr. WALDEN of Oregon, and Mr. NUNES.
H.R. 4367: Ms. BALDWIN and Mr. MCGOVERN.
H.R. 4376: Mrs. BIGGERT, Ms. GRANGER, and Ms. MILLENDER-MCDONALD.
H.R. 4377: Mr. ANDREWS.
H.R. 4379: Mr. OWENS.
H.R. 4383: Mr. BASS.
H.R. 4391: Mr. HOLT and Mr. FARR.
H.R. 4406: Mr. SMITH of Texas and Mr. DEAL of Georgia.
H.R. 4411: Mr. BRADY of Texas and Ms. ROS-LEHTINEN.
H.R. 4417: Mr. CASE.
H.R. 4437: Mr. KLECZKA, Mr. MCDERMOTT, Mr. BOUCHER, Ms. ESHOO, and Mr. GREEN of Texas.
H.R. 4440: Mr. KING of Iowa, Mr. BURTON of Indiana, Mr. NORWOOD, Mr. MICA, Mr. GOODE, and Mr. FORBES.
H.R. 4445: Mr. MCDERMOTT, Mr. FARR, Mr. RODRIGUEZ, Ms. WATSON, Ms. CORRINE BROWN of Florida, and Mr. MEEK of Florida.
H.R. 4449: Ms. MILLENDER-MCDONALD, Mr. DOGGETT, Mr. FRANK of Massachusetts, Mrs. CHRISTENSEN, Mr. CONYERS, and Ms. JACKSON-LEE of Texas.
H.R. 4457: Ms. LEE.
H.R. 4469: Mr. SOUDER and Mr. OWENS.
H.R. 4471: Ms. WATERS.
H. Con. Res. 111: Mr. PRICE of North Carolina.
H. Con. Res. 314: Mr. VAN HOLLEN.
H. Con. Res. 371: Mr. LUCAS of Kentucky.
H. Con. Res. 405: Mr. GORDON, Mr. SIMMONS, and Mr. CARTER.
H. Con. Res. 413: Ms. DEGETTE, Mr. DEUTSCH, Mrs. JO ANN DAVIS of Virginia, and Mrs. EMERSON.
H. Con. Res. 425: Mr. GERLACH, Mr. WEXLER, Mrs. JO ANN DAVIS of Virginia, Mr. HASTINGS of Florida, Mr. SHIMKUS, Mr. ACKERMAN, Mr. VAN HOLLEN, and Mr. GARRETT of New Jersey.
H. Con. Res. 427: Mr. SNYDER.
H. Con. Res. 435: Mr. LARSEN of Washington and Mr. ISRAEL.
H. Res. 21: Mr. ISRAEL and Mr. GONZALEZ.
H. Res. 466: Mrs. MCCARTHY of New York and Mr. CUMMINGS.
H. Res. 556: Mr. CARDIN.
H. Res. 632: Mr. FRANK of Massachusetts.
H. Res. 647: Mr. ISAKSON.
H. Res. 655: Mr. GEPHARDT, Mr. DEUTSCH, and Mr. MCCOTTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3113: Mr. JACKSON of Illinois.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *108th* CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, WEDNESDAY, JUNE 2, 2004 *No. 75*

Senate

The Senate met at 9:46 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Master of our hopes and dreams, who constantly works for the good of those who love You, teach us to strive for integrity. Remind us that You call us not to success but to faithfulness. Inspire our lawmakers today with a commitment to be true to You and to serve Your purposes. Let not discordant notes mar the melody of their labors as they seek Your counsel and wisdom. Bless their families and all who come within the circle of their influence. Prosper the works of their hands, until the kingdoms of this world become the springboard for Your eternal reign. Guide our great Nation. Help it to be a lighthouse to a dark and turbulent world. Protect our military in its arduous work. We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 2, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from the great State of Arizona is recognized.

SCHEDULE

Mr. KYL. Mr. President, this morning, the Senate will conduct a period of morning business for up to 60 minutes, with the Democratic leader or his designee in control of the first 30 minutes and the majority leader or his designee in control of the final 30 minutes. Following morning business, the Senate will resume consideration of the Department of Defense authorization bill.

Chairman WARNER and Senator LEVIN will be here all day, working through amendments. As the leader announced last night, we were able to lock in a finite list of first-degree amendments to the bill, and Senators are encouraged to work with the bill managers so we can finish this bill this week or early next week.

On behalf of the leader, I remind Senators that the Senate will stand in recess from 12:30 p.m. to 2:15 p.m. to accommodate the Democratic policy luncheon, and that at 5 p.m. there will be a reception honoring Senators AKAKA, HOLLINGS, INOUYE, LAUTENBERG, STEVENS, and WARNER, who are all veterans of the Second World War. We will devote the hour prior to the reception for speeches honoring their service.

ORDER OF PROCEDURE

I now ask unanimous consent that there be a period of morning business today from 4 to 5 p.m., with the time equally divided between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from the great State of Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that for the time the Chair will shortly announce dealing with morning business, Senator DAYTON be given 15 minutes and then I will yield 10 minutes to Senator STABENOW.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

Under the previous order, the Senator from Minnesota is recognized.

COST OF PRESCRIPTION DRUGS

Mr. DAYTON. Mr. President, when I was in Minnesota last week, I read a very disturbing news report about the

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cost of prescription drugs in this country. The American Association of Retired Persons Public Policy Institute looked at the prices charged by the manufacturers of 197 brand-name prescription drugs most widely purchased by Americans. Last year, their average price increase was 6.9 percent, over three times the overall inflation rate of just 2.2 percent. From December of 1999 to December of 2003, for 155 of those drugs on the market during all 4 years, their prices increased by a cumulative average of 27.6 percent compared to the general inflation rate of just over 10 percent. That is a price increase of over 2.5 times the overall inflation rate during the past 4 years.

It is not as though those drug prices were low at the beginning. Last summer, my staff compared the retail prices of 52 leading prescription drugs in the United States and Canada. For exactly the same drug, same amount, same strength, made by the same company, prices in Canada were one-third, one-fifth, even one-eighth the prices in the United States. That was after factoring out the different values of the U.S. and Canadian dollars. So in an apples-to-apples comparison, prices for the exact same medicines in the United States were three times, five times, even eight times higher than prices in Canada. My study shows that Americans are being gouged by exorbitant prescription drug prices, and AARP's study shows that it is getting worse.

Those excessive and rapidly increasing prices afflict all Americans, not only senior citizens. This year, almost 12 percent of all the money Americans spend for their health care will go for prescription drugs. That is almost one out of every eight health care dollars. Over the past 6 years, prescription drug costs have been the fastest growing part of total health care spending in this country.

So if Americans are getting ripped off by the drug companies, and if the problem is getting worse, then certainly President Bush and Congress would do something about it, right? Well, last year, the President and a majority in the Senate and House did something, but they made things worse, not better. Let me restate that. President Bush and a majority in Congress made sure prescription drug prices could keep going higher and higher and hurt most Americans, which means more money and larger profits for the drug companies. President Bush and his friends in Congress helped the rich get even richer, while making the rest of America poorer.

How did they do that? Well, on the prescription drug bill that was passed last year, the final version that most of my Democratic colleagues and I voted against, Federal health care officials are expressly prohibited from negotiating or in any way affecting the prices being charged for prescription drugs. When prescription drug coverage, inadequate as it will be, fully begins in the year 2006, the people on Medicare will be buying over half of all the prescription drugs purchased in America. Most of those bills will be paid at least in part by the Federal Government with taxpayer money at whatever prices are charged.

Imagine if you had to pay whatever someone else decided to charge you. You couldn't negotiate. You couldn't refuse to pay above a certain price. You would have no say; you would just pay. And you would pay and pay and pay.

No wonder a bill that was supposed to cost taxpayers $400 billion over the next 10 years is already projected to cost over $541 billion, a $141 billion increase, and the program has not even begun yet. I guarantee the program's cost will run even higher than that, as long as that prohibition against price negotiating is in law. It is a license to exploit Americans, all Americans, since all Americans will have to pay those higher prices.

Conversely, if Federal officials negotiated lower prices for Medicare beneficiaries, some, most, or even all of that price reduction would affect the prices the rest of us have to pay for those medicines. Drug company lobbyists and their friends in Washington call this price fixing and claim the Federal Government would destroy profitability, end research and development, and even cause bankruptcies. Nonsense. The Federal Government can't force any vendors to sell their products or services below prices acceptable to them. It can't legally—except in a national emergency—it doesn't try to, and it should not want to.

Take the Pentagon, which is often the only legal buyer of many of its products or services. It doesn't dictatorially set some price and require some company to make a product and sell it at that price. The Pentagon or the service branch purchaser might put the contract out for competitive bids or, if there is only one suitable provider, the Pentagon or military officials would sit down with the company officials and they would negotiate, truly negotiate, a mutually agreed-upon price.

Is that price as high as the company might charge if the company could set the price as high as it would like? No, probably not. Would the company agree to a price so low as to be unprofitable? No, definitely not. Does the Pentagon even want that low price? No, because if that company doesn't make a profit, it won't be around to keep producing that product or other products.

Those national defense projects frequently require extensive research and development, then testing, then modifications, and then more testing, requiring often several years before the actual production and sales can begin. Those costs—research and development, testing—are made part of the contract, usually paid in advance of production, and often revised upward if unforeseen circumstances develop. The Federal Government is a partner in those endeavors and vested in their positive outcomes while still being, hopefully, a responsible purchaser, assuring that taxpayers get their money's worth.

Would anybody here believe the Pentagon should be prohibited from negotiating the prices it will pay for what it needs, that it should be required to pay whatever prices its suppliers decided to charge? That would be ridiculous and scandalous, as it should also be for prescription drugs.

That part of the new law would be bad enough for most Americans just by itself. But the Bush administration and its congressional allies were not done helping their friends in the pharmaceutical industry. In our economic system, if the price of something becomes too high, you can shop around for a lower price elsewhere.

I come from a retail family. My great-grandfather opened a department store in Minneapolis in 1903. My father and uncles and thousands of Minnesotans and other Americans built the company into Target Corporation, now the country's second largest retailer after Wal-Mart. Retailers, especially discount retailers, understand competition. They expect their customers to be looking for lower prices, better deals, and higher value elsewhere. They don't go to the President or to Congress and say: Make Americans buy from us at whatever prices we charge and prohibit them from buying anywhere else.

That is what the drug companies wanted. That is what President Bush and a majority in Congress gave them. They banned what is being called drug reimportation, which is actually a bit of a misnomer because many prescription drugs are made outside of the United States and then imported into this country. In fact, over $14 billion worth of those prescription drugs were imported legally into the United States last year and sold to us at the manufacturer's prices. Neither the FDA nor the companies objected as long as that massive drug importation was occurring at their high prices. But many Americans objected to paying those prices, and many other Americans couldn't even afford to pay them.

So they want to do what Americans can do in almost every other situation in our economy—shop around for lower prices and buy them where they can find them. Lower prescription drug prices can be found in Canada and in other countries. The prices are much lower in Canada, as I said earlier, for the same product made by the same company.

Some Americans can actually travel to Canada because they live near the United States-Canadian border. I donate all but $1 of my Senate salary to the Minnesota Senior Federation for bus trips into Canada to buy those lower cost medicines.

The Canadian Government allows pharmacists in that country to fill

only prescriptions signed by Canadian doctors, and that takes an appointment and time and then more time to get the prescription filled. Thus, when I went on one bus trip from central Minnesota into Canada and back, the entire round trip took us 19 hours—from 7 o'clock in the morning to 2 a.m. the following morning. That is what I call a long U-turn.

The average savings among the 40 seniors who were on the trip was over $250. Almost all of them bought more than one medicine, and most bought a 2 or 3-month supply so they would not have to make the trip so often. However, even a 19-hour round-trip bus ride is not an option for most Minnesotans and other Americans who live too far from Canada and are not able to make such a trip. The Internet is their ticket, and many more Americans are discovering that possibility. They are discovering they can save hundreds, even thousands, of dollars when buying prescription drugs over the Internet. Thus, many Americans—especially our senior citizens—can then afford to buy medicine they would otherwise have to forego at the higher U.S. prices.

You would think our Federal Government—which, after all, is supposed to be a Government of, by, and for the people—you would think the people elected, appointed, or hired to serve the people, and being paid by the people to do so, would want to help the people save lots of money. But, again, that would mean less profits for the drug companies—still very high profits, but less very high profits.

Yet, incredibly, inexcusably, for this administration and the majority in this Congress, higher drug company profits are more important than everyone else in America. So they made it illegal to buy prescription drugs outside the U.S. and bring them into this country, unless the Secretary of Health and Human Services guarantees their safety—which he already said he will not do. If the Secretary of Transportation had to guarantee in advance every commercial airplane trip would be safe, it would put an end to air travel as well.

President Bush and Congress could have written the law to require the Secretary and his huge agency to help people make safe purchases over the Internet, as, to his credit, the Governor of my State of Minnesota, Tim Pawlenty, has instructed our State Department of Health to do. Hopefully, he will not be arrested by the Federal Government for providing that help. If he is, I promised to help him make the bail.

But with this administration and with the majority in this Congress, there is no help for Americans with the overpriced prescription drug costs, except for another drug discount card, which, in Minnesota, is now a choice of 1 out of 48 possible cards for a discount on some drugs we now learn from AARP have increased a total of over 27 percent in price over the last 4 years, which means they can offer a discount and still make more money.

When this bill was passed by a majority in the House and Senate last year, after the Bush administration and the industry lobbyists had written a bill in conference committee so very different from the earlier Senate version—which I supported—I was left with two questions:

First, how could people vote for a bill they knew did not represent their constituents' best interests? Secondly, how did they assume they could do so and still get reelected?

Americans don't deserve the highest, by far, prescription drug prices in the world—allowed to go even higher and higher. Americans should not be forced to pay those exorbitant prices and be prohibited from buying their medicines at much lower prices elsewhere. America's senior citizens don't need another 48 discount cards to choose from. They all need, and deserve, to be able to go to their neighborhood pharmacies everywhere in their country and buy prescription medicines at prices comparable to the rest of the world.

That is what governments of other countries assure for their citizens. That is what our Government should do for our citizens. When Government officials don't serve the best interests of the people, they should no longer be Government officials. That is why we have elections.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Michigan is recognized for 10 minutes.

Ms. STABENOW. Mr. President, I first thank my colleague and friend from Minnesota for his eloquent remarks today. I certainly agree with the sentiments he has expressed. I personally thank him for his personal commitment and willingness to help fund ways for people in Minnesota to be able to lower their prescription drug prices. I think that speaks to his personal dedication and willingness to do whatever he can to help.

Ronald Reagan asked the question back in 1980, ''Are you better off than you were 4 years ago?'' When it comes to the issue of prescription drugs and the cost of medicine today, certainly the answer to that is no.

I rise today to discuss the new Medicare Drug Card Program, as my colleague and friend from Minnesota has done. Yesterday, Tuesday, was the first day these cards could be used. But by any measure, this attempt to lower drug prices has been a complete failure. We can do much better. We can give our seniors real savings if we make the commitment to do that. Simply put, when it comes to Medicare, we need to do it again and we need to get it right.

From the beginning, the drug card was designed for the pharmaceutical companies and not for our seniors. That is one of the reasons why there is an estimate that the drug companies will receive over 8 years $139 billion in new profits because of the new Medicare law.

That doesn't add up if the purpose is to lower prices for our seniors. Obviously, $139 billion in new profits demonstrates this is not about lowering prices. First, because the law provided no guarantee and no guaranteed savings for seniors, drug companies were free to inflate their prices before the discount cards were issued. Therefore, companies were free to raise their prices in the last year or two in excess of any possible discount seniors might receive from these drug cards. In fact, the prices of 14 of the top 30 brand-name drugs rose more than 5 times faster than the rate of inflation from 2003 to this year, virtually wiping out any discount a senior might receive from one of these Medicare cards. That is like a department store taking up its prices 50 percent and then putting a sign out front that says 25 percent off. If you think about it, you are not going to save any money; you are actually paying more.

Second, the new law gives the companies that distribute the Medicare cards complete flexibility to change their prices every 7 days but forces seniors to lock into one card for an entire year. That means you might pick a particular card because it offers you a lower price on medications that you take, and then in 7 days, maybe even before you use the card, the price of that drug has gone up or two or three of the drugs you are taking have gone up. That might make the card absolutely useless, even though seniors may have to pay up to $30 to sign up for the card.

Also, we know that every 7 days the discounted drugs can be changed. So you wade through all of these cards, over 70 cards, to figure out the one that covers the most medicines you use and provides you some kind of help with lower prices. You purchase that card. You spend $30. You purchase a card, you lock yourself in for a year, and then you find out 7 days later the drugs you use are no longer on the list. Who does that benefit? Who is better off under this Medicare bill? Certainly not our seniors. We can do much better. We need to do it again and do it right. This new Medicare bill needs a complete overhaul.

There are two ways we can lower prescription drug prices for seniors and all Americans if we do this right. We have two ways right now we can fix this situation. First, we simply need to pass bipartisan reimportation legislation supported by people on both sides of the aisle in both the House and the Senate. We have a very strong bipartisan coalition to allow Americans to buy American-made FDA-approved drugs from other countries such as Canada. All of us could then save much more on prescription drugs than the small savings from the Medicare drug cards.

Second, we can and should allow Medicare to negotiate directly with the

drug companies on behalf of our seniors and the disabled to get the lowest possible price.

Why on Earth wouldn't that be the first thing we would do? Right now States, Fortune 500 companies, large pharmacy chains, and the Veterans' Administration use their large bargaining clout to obtain low drug prices. Common sense says Medicare should be doing it.

Regrettably, the only entity in this country that cannot bargain for lower group prices is Medicare. Why? Who benefits from that? Who benefits from locking in up to 40 million people forced to pay the highest prices? Certainly not our seniors and the disabled.

Because the supporters of the drug industry in Congress at the eleventh hour inserted into the final Medicare bill a special interest provision that strictly prohibits Medicare from getting group discounts, our seniors are paying top dollar.

We know the drug companies are powerful. We know they have over six lobbyists for every one Member in the Senate. We can do better, and people expect us to do better than this new law and these cards.

If we want, we can provide real savings for Americans. I wish to point to charts to demonstrate with a couple of medications what the differences are.

Right now for Lipitor, which lowers cholesterol, if we were to do a group discount, such as the Veterans' Administration does, our seniors would pay $40.55 for a month's supply. If we were to open the border to Canada and allow trade, as we do for everything else, back and forth between Canada and the United States, we would be able to get that price down to $35, from $40.55 to $35.04. However, if we continue with this current Medicare card, the low end is $64.67 up to $74.77. This makes no sense.

Right now people are being told to go out and sign up for a Medicare prescription drug card that will require them to pay more than we could get for them if we simply negotiated group prices or open the border to Canada.

Another demonstration: Norvasc, which controls high blood pressure. Again, with the VA, for a little over $25, you can get a month's supply; Canada, $28. But under the so-called discount card, it is anywhere from $41 to $49. These numbers just do not add up, and the seniors of this country, as well as all Americans who would benefit by opening the border and allowing us to do business across the border, are saying to us: Do it again, and do it right.

One more example: Protonix, which treats ulcers and other stomach conditions. If we were to negotiate a group price, as does the VA, the individual out of pocket would pay $26.83, and through Canada, $41.60. Under these new cards, they would pay from $86 to $108. It just does not add up. These numbers do not add up for our seniors or for anyone who is struggling to purchase medicine or to keep up with the incredibly high and rising prices of their health insurance because we know this is a major driver.

In conclusion, are you better off than you were 4 years ago under this Medicare law? We need to change it, and we need to get it right.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Michigan has been a leader on this prescription drug issue for the entire time she has been in the Senate. The country owes a debt of gratitude to her for being unrelenting in pointing out the need to reform prescription drug availability, especially as it relates to seniors.

I yield the remainder of the time to the Senator from Washington, Ms. CANTWELL.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 3 minutes 45 seconds.

MARKET MANIPULATION AND ENERGY CONTRACTS

Ms. CANTWELL. Mr. President, I rise today to talk about something I have tried to address many times before in this body, and that is the issue of market manipulation and energy contracts specifically by the Enron company that have gouged my constituents for millions of dollars.

We have seen in the last couple of days as my own home public utilities district, Snohomish County PUD, was successful at getting audiotapes from the Enron company that showed exactly what people thought was happening: That people were talking about market manipulation, that people were talking about schemes, that people were making jokes about $250 megawatt costs and prices that were gouging my constituents on energy prices. Now we know this company has already been cited by the Federal Energy Regulatory Commission as having manipulated the markets; now we are hearing in their own voices, in their own words, among their own employees, that this manipulation was going on.

The question is, what are we going to do about the market manipulation that has happened and for which my consumers have been gouged? My own home, my own personal utility has had a 50-percent rate increase since the energy crisis took place. That means my constituents have been paying higher energy costs on Enron-manipulated contracts and other contracts during this time period.

One would think that once market manipulation had been admitted, once market manipulation had been documented that we would do something about the market manipulation. In fact, yesterday, the President said we must pass the Energy bill and we must protect consumers. I have a message for the President: This Energy bill does not protect consumers. In fact, it guarantees that the market manipulation which was done by Enron will continue because it basically says that manipulated contracts can be the standard for today. I think that is absolutely wrong. My constituents, in reports and analyses by California, Washington, and Oregon economists, have probably lost 100,000 jobs directly and indirectly from the energy crisis. We have lost a big percentage of our GDP. And we have had a huge increase in rates throughout the State.

So what does that mean? That means my constituents are still paying on those Enron contracts, and when our utilities said they were not going to pay, what happened? Enron turned around and sued utilities in my State. Enron is suing my consumers saying: You still have to pay on manipulated contracts.

Well, here is my check to Enron. Here is my $370.00 check that will still have to go to pay for that Enron contract in which they have admitted market manipulation.

I have already personally paid them hundreds of dollars on manipulated contracts. So have my constituents. The question is whether this body and this administration are going to do anything about market manipulation, whether they are going to stand up and say that the Enrons of the world have taken the consumer to the cleaners and are going to let my constituents out of these manipulated contracts.

So while the President would like to have an energy bill, I would like to have an energy bill that protects consumers. I would like to have an energy bill that passes both the House and the Senate where Members of this body and the other body stand up and say market manipulation is wrong and we do not condone any contract as just and reasonable or any contract as in the public interest if, in fact, it has manipulated, schemed, and put people out of their homes at a huge cost to many of the consumers in my State.

I yield the floor.

The PRESIDING OFFICER. The minority's time has expired.

The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry. Are we now on the Republican morning business time?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. How much time do we have?

The PRESIDING OFFICER. Thirty minutes.

Mr. DOMENICI. I have told those who follow me, I will try to get finished in 7 minutes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

ENERGY SECURITY

Mr. DOMENICI. Mr. President, over the weekend, the world witnessed the

horrible hostage-taking situation in Saudi Arabia, where terrorists attacked foreign oil workers and their families. I think we all know that foreign workers have been an integral part of the workforce that produces oil and maintains the infrastructure for oil in Saudi Arabia. These cowards did not attack refineries or terminals or pipelines this time. Those hard assets are supposed to be well guarded and could be replaced. I am not sure they are so well guarded. Instead, the terrorists chose human targets to cripple the world's access to oil supply. Thank God that about 50 of the hostages were rescued, but we mourn the more than 20 lives lost in this terrorist attack.

In the short run, this attack on foreigners and office facilities does not affect physical supply, but it can harm future output and expansion. Investment will be eroded if there is instability.

These terrorist attacks are a frightening warning that terrorists may be only steps away from destroying significant Saudi or other Middle East production facilities. I believe America should be more worried about that than anything else affecting our economic well-being.

It is actually a shame that we sit around and talk and do nothing to make America better prepared. Does anybody doubt that the terrorists, if they can get in and destroy an office full of people, are not prepared to do some real damage to the oil supply and the infrastructure, the tankers, and all the other things? I believe they are.

Terrorists' actions intensify concerns about the vulnerability of oil markets to supply disruption. We saw the price jump $2.45 following the weekend attack, and there are indicators in the future market that those who invest in that market are investing in it heavily, which means they are gambling in a forthright and intelligent way that oil will go up even more.

Instead of oil coming down because of good economic realities, the one thing that is happening is oil is going up. We saw that jump, and before the weekend attack, oil prices were back under $40, seemed to be moving a bit down in anticipation of the OPEC meeting on June 3.

Daniel Yergin, chairman of Cambridge Energy Research Associates, remarked that the signs of increased OPEC production were calming the market, but the weekend attack has again increased a sense of risk and nervousness that has done so much to propel the prices to $40.

Fears and worries of terrorist sabotage attacks and political unrest have translated into a risk premium of $7 to $10 per barrel. This so-called risk premium is one of the reasons why the prices are as high as they are today.

Given that we live in a world of increased risk, particularly with mounting security worries in the Middle East, it is imperative that we take responsible steps to ensure our energy security today and in the future. Today, our energy security requires an emergency supply of oil in the event of severe disruption. Saudi Arabia is the largest OPEC producer and the OPEC country with the largest extra capacity to increase supplies. A major disruption of Saudi oil that we cannot respond to with the SPR would harm our energy security and the economy far more than $40 a barrel of oil.

The President is right to preserve the Strategic Petroleum Reserve for times of dire need, not as a political gesture to abate high prices. And, yes, while prices are high today and they do hurt, today's prices are still below the energy prices America has borne in past years.

The SPR is designated and designed to be a national security asset, a national security blanket. It is not there to deal with supply and demand imbalance, which is the true source of higher prices.

What we have today is a long-coming trend of tightening supply and increasing demand. Changing our treatment of SPR cannot fix that problem. I fear that changing SPR policy will actually end up hurting us. What do my colleagues think OPEC would do if we suddenly changed SPR policy? From their standpoint, they could easily solve that by changing their output response. It would not take much, just a little bit, and they would negate any significant positiveness that comes from releasing SPR oil.

We have 660 million barrels of oil in SPR. We import 11.5 million barrels a day. About 5 million of those 11.5 million barrels a day are from OPEC. That means we have about 60 days' supply if there is a complete disruption to our imports and about 120 days' supply if only OPEC supplies were interrupted. SPR is not there just to deal with potential Middle East supply problems.

Weather forecasters predict an intense hurricane season for the Atlantic and gulf coasts, which would affect domestic and natural gas. As I see it, it is a shame that we are not ready to produce an energy bill and that we are still debating what this Senator likes, what that Senator likes, what the Democrats like. We have tried very hard to accommodate, but we cannot. SPR is our insurance policy against natural disasters as well as supply interruptions. We need SPR full and ready to serve in the event of an emergency. Past experience has taught us that trying to use it as a price control does not work. The bottom line is that changing our treatment of SPR does not lead to quick fixes in the market.

The energy bill that I have been fighting to pass in the Senate is about future energy security. The energy bill is not about quick fixes to the oil and gasoline market; it is a policy plan to move us into the future with a broader portfolio of resources and improved supply and demand balance. The energy bill will increase natural gas and domestic oil production that helps balance supply with growing demand.

The Energy bill will remove the 2-percent oxygenate mandate, which will make it easier to refine and easier for refineries to make gasoline that can be traded between regional markets. It is clearly very positive for America.

The Energy bill addresses the proliferation of boutique fuels. There are a number of State-specific gasoline formulations that have made refining more challenging and market efficiency poorer. The Energy bill will promote further research in hydrogen power that is the potential future for transportation. We have to get started. The longer we wait, the more we risk being blamed for an American disaster.

I will keep coming to the Senate floor to drive home the point that we need to pass an energy bill. Someone called today's energy situation ''a crude awakening.'' It is, indeed. It is time for us to wake up and do something about it. The American public deserves action. They deserve an energy policy that takes care of them today and in the future.

I believe there is a real probability that those who lead our country today, including the Senate—perhaps excluding those who have tried, those who have voted for a new policy—but I believe there is a chance that the leaders of today will be blamed for the disasters of tomorrow. They will not be little disasters if, in fact, we cannot stop the terrorists from their activity. I believe the leaders of Iraq are optimistic, and I am glad because they want terrorists out of that country. But terrorists are everywhere. Believe you me, they are in Saudi Arabia. Believe you me, that is fragile. Believe you me, they are looking at the fragileness of the Saudi situation. I believe they can almost do what they like. They are close. I understand they know what is going on in the oil patch of Saudi Arabia. I am very worried. Frankly, I don't want to go down in history, when this event happens, and have it said we did nothing. I will continue to try. Many in this body will continue to try to make America's energy portfolio more diverse, with different uses so we can face the future with a little more hope.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

NATO

Mr. SMITH. Mr. President, it is hard to turn on the television without seeing the stirring images of the Allied landings on D–Day. I think in the heart of every American there swells a pride in these scenes, and what was accomplished on that day truly stands as one of the most historic achievements in recorded history. I think what was on display on D–Day with our Allies was a commitment to freedom, a commitment to the rule of law, a commitment to humankind that has made this world a better place in which to live.

As I reflect on these images, which we will share with our European allies,

I am also, unfortunately, reminded of what I experienced this last weekend in Bratislava, Slovakia, at the NATO Parliamentary. It has been my privilege since being a U.S. Senator to participate in many NATO Parliamentaries. This time, the majority leader, Senator FRIST, asked me to chair our trip to this important meeting. It is the first time I have gone when I have been the only Senator in attendance. I hope that does not mean there is less of an interest in security. I think, unfortunately, what it means is the many claims on the time of Senators begin to compete with what is increasingly becoming regarded as an institution of diminishing value. I think that is unfortunate.

Before I left, I read a book by Robert Kagan. It is a small book, but its message is powerful and important. The title is ''Of Paradise And Power: America and Europe in the New World Order.'' Basically, the message is that the values that bring NATO together in the first place, the values that have held it together through the cold war, are values that are changing now and stressing NATO in ways that many are unwilling to face up to.

For the RECORD, I would like to read the first paragraph. I think it says very clearly the problem. Says Mr. Kagan:

> It is time to stop pretending that Europeans and Americans share a common view of the world, or even that they occupy the same world. On the all-important question of power—the efficacy of power, the morality of power, the desirability of power—American and European perspectives are diverging. Europe is turning away from power, or to put it a little differently, it is moving beyond power into a self-contained world of laws and rules and transnational negotiation and cooperation. It is entering a post-historical paradise of peace and relative prosperity, the realization of Immanuel Kant's ''perpetual peace.'' Meanwhile, the United States remains mired in history, exercising power in a anarchic Hobbesian world where international laws and rules are unreliable, and where true security and the defense and promotion of a liberal order still depend on the possession and use of military might. That is why on major strategic and international questions today, Americans are from Mars and Europeans are from Venus: They agree on little and understand one another less and less. And this state of affairs is not transitory—the product of one American election or one catastrophic event. The reasons for the transatlantic divide are deep, long in development, and likely to endure. When it comes to setting national priorities, determining threats, defining challenges, and fashioning and implementing foreign and defense policies, the United States and Europe have parted ways.

What we don't realize at an official level is how badly we have parted ways.

But what Mr. Kagan wrote, I observed in starkest and tragic relief in Bratislava, Slovakia. It was not all bad. I would describe what I saw, in the language of that great Clint Eastwood western—I think the Europeans would hate a reference to a western in a speech like this—but that title was ''The Good, The Bad, And The Ugly.''

There was much good. Let me tell you, for me, first and foremost was the good that the British representatives did. I say thank God for the Brits and for a strong leader like Mr. Blair. They continue to provide a bridge between an America and a Europe going in different directions. It is sometimes difficult for them, but their hearts are stout and their backs are strong and they are great Allies. They were on D–Day and they are still on this day.

Second, another good: The first meeting I attended was about the NATO-Russia relationship. The Russians made a presentation. It was great to be in a room where we were talking about issues in which Russia, though out of NATO, was able to communicate with NATO, express its feelings, its concerns. But then, after they made their presentation, some of the things they said caused me to wince. I was about to make a comment to contest a few of the points they had made, but I didn't need to. An Estonian did it for me, then a Latvian, then a Pole. They contested as equals—equals of Russia—things which they said were not the truth, not factual, not real, and certainly not the whole story.

It was thrilling to see. I asked myself as I watched this, Why is this happening? Why can an Estonian stand on equal ground with a Russian and debate as an equal? It occurred to me with great clarity: Because of the U.S. military's marriage to NATO and because the U.S. military continues today what it did from the founding, that visionary founding by Congress and Harry Truman; that is, to put actual bullets in our budgets to provide an umbrella of security for Europe that was credible to the Soviet Union. It was a thrilling thing to see.

I remember when I first came to the Senate and I was on the Foreign Relations Committee. I was given an assignment to help pass the first expansion of NATO, postfall of the Berlin Wall. Many of the questions raised were: What will this do to Russia coming out of communism, trying to come into the Western world? What will it do to a fragile democracy they are trying to build? Isn't this just cold war? And yet some of us said, while we respect those concerns, these new members—the Poles, the Czechs, the Hungarians—are needed for new blood in NATO because we were getting stale and we needed their input. We needed someone in membership to understand what the boot of tyranny on the back of the neck was like, and they did, as we all know.

We won that debate. The vote was large. It was lopsided. But it took a lot of work to make that argument successful. We did succeed and NATO was expanded indeed through these countries, each of which had suffered greatly under the Soviet Union at various times when they had uprises.

But now I have to say that what we promised would happen in these countries has actually occurred. You have Slovakia, the Czech Republic, and Romania. These are not perfect democracies. But guess what they are. They are now democracies. They are pursuing the rule of law. They are allowing free enterprise. They are developing emerging middle classes. They have become job magnets for European capital. They are joining the European Union. They are now part of the free world. And the lever was NATO. But that is the good.

Now I have to tell you what I thought was bad.

Two reports were given on Saturday. They were not my reports. One was made by a German and one was made by a Frenchman.

The first report was about the post-9/11 commitment that NATO had made with respect to Afghanistan. You will remember the only time article V has ever been invoked was after 9/11. We had been attacked. Article V says if member countries are attacked, it is an attack on all.

In response to that attack and the issuance of article V, NATO was supposed to go to work. And they made commitments, according to this report, of things they would do in Afghanistan.

According to the report which I listened to, it was readily admitted that a reasonable attempt was made at the first commitment and that the other three were not even attempted and were utter failures.

That is what their report said. That is what I heard.

They went on to cite the fact that helicopters were needed. Lift was needed so their soldiers could actually participate, but that the member countries of NATO wouldn't send any helicopters. The troops they were sending came with such operational restrictions by their governments that all they could do was defensive work. They couldn't help in the war. They were restricted by their governments from making a contribution.

Let us say the Americans were fired upon. They couldn't help. If they were fired upon, they could fire back. That is what the report said. I was stunned to hear it. But that is what I heard—four commitments; three were utter failures and one attempt.

The next report was made by a Frenchman who talked about the exciting development in the European Union to develop a European defense initiative in which they would develop rapid response forces that could do what he described as ''St. Petersburg tasks.'' Lipservice was given that this could be done with NATO. But when you consider what was supposed to be done with NATO in fulfilling the earlier commitments, these St. Petersburg tasks had nothing to do with that and were completely unrelated to what NATO needed them to do.

What I heard bad was there was soaring rhetoric, everybody there talked about their superpower, and everybody knew their budgets. While this rhetoric was going north, their budgets were heading south. It was scary.

I made the comment that if they were going to fail in their first responsibility and divert limited resources to

a new initiative connected to the EU and leave NATO hollow, that would have a serious negative impact on America's commitment to NATO—and it certainly would to this Senator's commitment to NATO. There was just quiet when I responded in that fashion.

The French reporter who was making this report about the new European defense initiative noted how critically poor America was at peacekeeping, and what a poor job we do at rebuilding a country. I never thought that was true with Japan or Germany.

Then a Brit responded to him. She said she had recently been in Bosnia and it is fact that NATO is going to turn over its operational responsibilities in Bosnia to this European force. She said she heard the Kosovars said, We don't trust the EU, we trust the Americans, which certainly flies in the face of the charge that we are no good at peacekeeping. I thanked her for noting what I did not have to say. The Kosovars and the Albanians believed their freedom came from American efforts—not European Union efforts.

Those are the bad things. Let me tell you about the ugly things.

When I left on Sunday to fly home, I reflected upon 9/11 and the article V guarantee that had been issued and how the European Union had not been able to, or our members in Europe had not able to, fulfill their Afghan responsibilities. I thought about how unfair it was to mothers of American troops, and we as a government have said credibly so that Estonians can talk to Russians as equals that if they are attacked we will go to war—thermonuclear war, if necessary. But if the United States is attacked, the response in Afghanistan—a NATO commitment—has been we will apply defense for ourselves, and we will fall short of fulfilling our promises.

That is the first ugly thing—the first ugly realization I left with.

The second was this: I heard from country after country in Central and Eastern Europe how they were being pressured as new members of the European Union not to be cooperative with America on security issues.

That makes me angry. I think that is really ugly.

I was reminded of the Commissar about a year ago when these new NATO members put an article in the Wall Street Journal saying they stood with America on the war on terrorism and the President of the French Republic fearing these new countries would be a Trojan horse for the Americans and a challenge to the Franco-German leadership of Europe that was opposing the American effort—that somehow they had not acted ''well-born.'' Those are his words.

He went on to add, warning: I was sad to learn, that is being administered in subtle but powerful ways to these new EU members. He said it could cost them membership in the EU. It has not done that.

Then Chirac said:

> Beyond the somewhat amusing or childish aspects of the matter [the matter being the letter of support in the Wall Street Journal] . . . it was dangerous. It should not be forgotten that a number of the EU countries will have to ratify enlargement by referendum. And we already know that public opinion, as always when it's a matter of something new, have reservations about an enlargement, not really seeing exactly what their interest is in approving it. Obviously, then, [what the central Europeans have done] can only reinforce hostile public opinion sentiments among the 15 and especially those who will hold a referendum. Remember that all it takes is for one country not to ratify the referendum for [enlargement] not to happen. Thus, I would say that these countries have been, let's be frank, both not very well brought up and rather unconscious about the dangers that too quick an alignment with the American position could have for them.

I conclude with the words of Edmund Burke, that nations have no permanent friends, only permanent interests. I also remember the words of Isaiah to ancient Israel, not to lean on a weak reed.

I say to the American people, NATO is not dead, but it is in trouble. As politicians promise you relief through internationalization, I ask the American people to consider reality, deeds, not words and empty budgets.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

BUILDING A BETTER FUTURE

Mr. DASCHLE. Mr. President, I will use leader time this morning to comment about a number of matters.

I return, as most Members have, from our home States, and I feel a new sense of optimism about what we can accomplish in America for the remaining months of this Congress.

I had the opportunity to visit with South Dakotans of all ages when I was home. I was reminded during those conversations of the hope and resilience that characterize Americans, even in difficult times. The people I talked with spoke frankly about the serious challenges we are facing, but they also expressed a belief that together we can overcome those challenges. And they are right. Their sense of resolve is a great reminder for us all.

When we left Washington for Memorial Day recess, the Senate had ended 5 weeks of procedural wrangling that left many of us frustrated. We accomplished much less than we should have in those 5 weeks. What we did accomplish, though important, took far too long. Remarkably, when we finally did reach agreement on a couple of key issues, some influential voices actually complained. Why? Because bipartisan progress does not suit their political strategy. They would actually prefer Congress do nothing between now and November because they want to blame Democrats for inaction.

When we left for the recess, I was seriously concerned that such political gamesmanship in the Senate could result in a lot of name-calling and finger-pointing this summer but very little progress for the American people. We owe our country more than that.

On Memorial Day, I spoke at a ceremony at a veterans cemetery in my hometown where my father is buried. There were veterans there from my father's war, World War II, from Vietnam, Korea, and the Persian Gulf conflict. There were guests who have friends and family members today serving in Afghanistan and Iraq.

Yesterday I spoke to about 500 young men who were attending Boys State in South Dakota. This is the 35th anniversary of my own week at Boys State. The young men who are part of Boys State this weekend are among the best and brightest in my State. They are there because they are natural leaders. They care deeply about the future of our country. Some of them will no doubt join the military. From the oldest veterans at the cemetery to the youngest delegates at Boys State, the people I talked with at home reminded me Americans have always done what was needed to be done to make a better future.

Congress can do the same now. These are difficult times economically for the middle class. The last time we found ourselves in the situation like this was in 1992. Then, as now, the monthly bills were getting bigger but wages were not keeping up. Then, as now, we were told the economy was getting better. But whatever ''recovery'' there was did not seem to be reaching the middle class. Then, as now, there was a feeling that leadership was out of touch with what was going on in most of America.

But then, over the next few years, the leadership in Washington, our Government, started putting the interests of the Nation ahead of special interests. We focused on creating jobs and reducing crime and balancing the budget. With the help of the American people we did all three.

Between 1992 and 2000, 22 million new jobs were created. We lowered the crime rate and turned record deficits into surpluses. We restored strength to America's economy and strengthened America's leadership position in the world. We worked with our allies and NATO to confront a ruthless dictator in Europe who was engaged in ethnic cleansing and ended his brutal reign. A victory in Kosovo proved how successful we can be with our friends when we work together and share the burden confronting global threats.

The situation today may be a little tougher and the solutions may be more complex, especially on the international front, but the fundamental truth remains. Americans still know we can work our way out of this. That is the sentiment I heard back in South Dakota. We have done it before; we can do it again.

I am confident the American people will rise to the challenges of today as

well. And we need to meet those challenges with them. We must make the needs of hard-working Americans a higher priority than passing more tax breaks. Congress must put the well-being of patients ahead of the profits of HMOs and drug companies so we can finally address the health care crisis in a meaningful way. We must return to a foreign policy that recognizes the value of listening to military leaders and working with all of our allies.

These are commitments the American people want from this Congress. In recent weeks, we have gotten a glimpse of what we can accomplish if we put aside politics and focus on the larger task at hand.

Two weeks ago, for example, we had a promising bipartisan development regarding the transportation bill. After several disappointing experiences with conference processes last year, we have reached a good-faith agreement on how we can proceed with the transportation conference. I am hopeful we can get a good bill to the President soon.

There are some people who think Congress should do little or nothing more of any consequence before we adjourn in October. They see political advantage in gridlock. We need to reject cynical calculations such as these. Doing nothing may be good for some people's political campaigns, but it does not do good for America. It is not good for the millions of middle-class families looking to Congress for help with real and every-day needs. We cannot wait until the new Congress is sworn in next January. We need to be working together now.

Last week I participated in my fourth annual Technology Summit, which has become now an annual event in Sioux Falls. Bill Gates and other technology industry leaders spoke. About 1,000 people came to hear how new discoveries in science and technology can help solve even the most seemingly intractable problems.

One of the people at that summit was a brilliant 29-year-old neuroscience researcher who got his Ph.D. at the University of South Dakota and is doing breakthrough work unlocking the secrets of the human mind. If he can learn how the human mind works, surely we can find a way in this Senate to work together on the challenges facing America.

If young people are willing to go to war for America, surely we can agree to call a political truce in the Senate for at least the next several months so we can deal with some of the real problems facing middle-class families.

As my fellow South Dakotans reminded me over and over again last week, we have met the challenge of difficult times before. Together we must do so again.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL GUARD

Mr. NELSON of Florida. Mr. President, as we are waiting for some of the deliberations on the Department of Defense authorization bill, I thought it might be worthwhile to call to the attention of the Senate an amendment I will be offering at a later time having to do with our National Guard.

The National Guard has performed magnificently, heroically, and with great professional skill, as well as patriotism. When I wore the uniform of this country as a member of the U.S. Army Active-Duty back in the late 1960s, the National Guard was a much different creature. Today, as the Presiding Officer so well knows, the National Guard is, in many cases, as skilled as, if not even more skilled in particular skills, the regular Army. Thus, when we encounter a threat to the interests of the United States and have to respond abroad, as we have both in Afghanistan and Iraq—especially in Iraq but before that in the Balkans—the National Guard is called on to supply so many of those troops.

My wife and I make it a point on holidays such as Thanksgiving to have Thanksgiving dinner with troops in different parts of the world. One time we found ourselves with our troops in Bosnia. At that particular point in one of those camps out in the fields where we had that Thanksgiving dinner, of that entire U.S. military force, which was our ninth year in Bosnia helping stabilize that place from the fratricide and killing that occurred there before, lo and behold, who were those troops? Those troops were the National Guard. In that particular case, it was the National Guard unit from Pennsylvania. They knew they had a 6-month tour of duty and then they would go home—remember, the National Guard members have their civilian jobs, and what they signed up for also encompasses if there is an emergency in their State, they are under the control of their Governor.

Now we find that we have entered a new era in which we are stretched to the limit on our regular Army troops and almost as if it is an expected thing of replacing regular Army with National Guard. Of course, something is going to have to change, and I think the head of the National Guard and the head of the Reserves are addressing this because they are quite concerned that over time, they are going to see people not reenlisting in the Reserves and the Guard, and in order to compensate for that and encourage that, I think we are going to see our military leadership is going to be setting forth an agenda where Guard and Reserves would have a more certain anticipation that within a period of years, say, 4 years, they would serve a number of months of active duty. I hope that is going to solve some of the problems; otherwise, people might be voting with their feet as they leave the National Guard.

The thrust of my remarks is to tell about when the National Guard is activated, as it has been very heroically from my State—the Florida National Guard was, in fact, in Iraq before the war started. We went in there with special operations troops, and they have performed magnificently. Initially, they thought they were going for 6 months. Then they understood 12 months. But in some cases, they were extended to 14 and 15 months.

So in those long deployments, what happens back home? The families are anxious naturally. The families are usually without the primary breadwinner in the family. The families—the remaining spouses and the children—are often facing a new kind of not only emotional problems but financial problems, not even to speak of the question of the financial situation facing the employer back home.

What should we do? Talk to any National Guard commander and he will tell you that a most important support for those families is the Family Assistance Centers. We have them all over the country. They did not used to get nearly the attention they do today because when fully implemented, when fully funded, when giving the attention to the families back home while their loved ones are abroad, they are giving them counseling, they are helping them get proper counseling on financial management, and they are serving as a center point for networking among the other National Guard families while their loved ones are deployed overseas.

Thus, last year, when we had this very same bill on the Senate floor, the Department of Defense authorization, I offered an amendment, and it was accepted, providing $10 million for these Family Assistance Centers. This is $10 million out of a $400 billion-plus DOD authorization bill. It was accepted. A lot of that $10 million has not been allocated in the last year. Lo and behold, we are seeing some resistance to doing the same thing.

I wanted to give notice to the Senate that coming up will be my amendment authorizing $10 million for Family Assistance Centers for our National Guard families at home. It is one of the least things we can do because it has been so effective. It has been so effective over the course of the past year. But right now, they are anticipating that they are not going to have those resources because they are not in the National Guard budget. I want to make sure it is going to be in the National Guard budget.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the distinguished majority leader, the distinguished Democratic leader, the Democratic whip, myself, and other Senators have worked out this agreement that I now ask unanimous consent to be considered by the Senate.

The PRESIDING OFFICER. Will the Senator suspend for a moment, please. The Chair has some business to conduct. I apologize.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

Pending:

Graham of South Carolina amendment No. 3170, to provide for the treatment by the Department of Energy of waste material.

Crapo amendment No. 3226 (to amendment No. 3170), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am presenting this unanimous consent request, together with the distinguished Senator from Nevada, who will comment on it as soon as I have completed reading it.

I ask unanimous consent that the pending amendments be temporarily set aside, and that following this consent, Senator DASCHLE be recognized in order to offer an amendment related to TRICARE. I further ask unanimous consent that when the Senate resumes the Defense bill on Thursday morning, tomorrow morning, the Senate proceed to a vote on adoption of the pending Crapo amendment No. 3226, to be followed by a vote on the adoption of the underlying amendment No. 3170, as amended. I further ask unanimous consent that Senator CANTWELL be recognized to offer an amendment related to nuclear waste, and that there be 4 hours for debate equally divided in the usual form; provided further that following the use or yielding back of time the Senate proceed to a vote in relation to the Cantwell amendment, with no amendments in order to the amendment prior to the vote—before the Chair rules, I would announce it is my understanding that the pending Graham and Crapo amendments would not require rollcall votes and would be accepted by voice—provided further, I ask unanimous consent that following the disposition of the TRICARE amendment, the Senator from Virginia, Mr. WARNER, be recognized in order to offer an amendment related to the $25 billion contingent fund requested by the President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. There is a unanimous consent request pending.

Mr. WARNER. I renew the request as stated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. I thank my colleagues for making this possible.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

AMENDMENT NO. 3258

Mr. GRAHAM of South Carolina. I ask unanimous consent I be allowed to offer the TRICARE amendment, and I send it to the desk at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself and Mr. DASCHLE, proposes an amendment numbered 3258.

Mr. GRAHAM of South Carolina. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 10, United States Code, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes)

Beginning on page 134, strike line 18 and all that follows through page 141, line 12, and insert the following:

SEC. 706. EXPANDED ELIGIBILITY OF READY RESERVE MEMBERS UNDER TRICARE PROGRAM.

(a) UNCONDITIONAL ELIGIBILITY.—Subsection (a) of section 1076b of title 10, United States Code, is amended by striking ''is eligible, subject to subsection (h), to enroll in TRICARE'' and all that follows through ''an employer-sponsored health benefits plan'' and inserting '', except for a member who is enrolled or is eligible to enroll in a health benefits plan under chapter 89 of title 5, is eligible to enroll in TRICARE, subject to subsection (h)''.

(b) PERMANENT AUTHORITY.—Subsection (l) of such section is repealed.

(c) CONFORMING REPEAL OF OBSOLETE PROVISIONS.—Such section is further amended—

(1) by striking subsections (i) and (j); and

(2) by redesignating subsection (k) as subsection (i).

SEC. 707. CONTINUATION OF NON-TRICARE HEALTH BENEFITS PLAN COVERAGE FOR CERTAIN RESERVES CALLED OR ORDERED TO ACTIVE DUTY AND THEIR DEPENDENTS.

(a) REQUIRED CONTINUATION.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

''§ 1078b. Continuation of non-TRICARE health benefits plan coverage for dependents of certain Reserves called or ordered to active duty

''(a) PAYMENT OF PREMIUMS.—The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for the members of the family of an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subsection (j).

''(b) ELIGIBLE MEMBER; FAMILY MEMBERS.—(1) A member of a reserve component is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subsection (a) while serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of this title during a war or national emergency declared by the President or Congress.

''(2) For the purposes of this section, the members of the family of an eligible reserve component member include only the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

''(c) QUALIFIED HEALTH BENEFITS PLAN COVERAGE.—For the purposes of this section, health benefits plan coverage for the members of the family of a reserve component member called or ordered to active duty is qualified health benefits plan coverage if—

''(1) the coverage was in force on the date on which the Secretary notified the reserve component member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order;

''(2) on such date, the coverage applied to the reserve component member and members of the family of the reserve component member; and

''(3) the coverage has not lapsed.

''(d) APPLICABLE PREMIUM.—The applicable premium payable under this section for continuation of health benefits plan coverage for the family members of a reserve component member is the amount of the premium payable by the member for the coverage of the family members.

''(e) MAXIMUM AMOUNT.—The total amount that the Department of Defense may pay for the applicable premium of a health benefits plan for the family members of a reserve component member under this section in a fiscal year may not exceed the amount determined by multiplying—

''(1) the sum of one plus the number of the family members covered by the health benefits plan, by

''(2) the per capita cost of providing TRICARE coverage and benefits for dependents under this chapter for such fiscal year, as determined by the Secretary of Defense.

''(f) BENEFITS COVERAGE CONTINUATION PERIOD.—The benefits coverage continuation

period under this section for qualified health benefits plan coverage for the family members of an eligible reserve component member called or ordered to active duty is the period that—

''(1) begins on the date of the call or order; and

''(2) ends on the earlier of—

''(A) the date on which the reserve component member's eligibility for transitional health care under section 1145(a) of this title terminates under paragraph (3) of such section; or

''(B) the date on which the reserve component member elects to terminate the continued qualified health benefits plan coverage of the member's family members.

''(g) EXTENSION OF PERIOD OF COBRA COVERAGE.—Notwithstanding any other provision of law—

''(1) any period of coverage under a COBRA continuation provision (as defined in section 9832(d)(1) of the Internal Revenue Code of 1986) for an eligible reserve component member under this section shall be deemed to be equal to the benefits coverage continuation period for such member under this section; and

''(2) with respect to the election of any period of coverage under a COBRA continuation provision (as so defined), rules similar to the rules under section 4980B(f)(5)(C) of such Code shall apply.

''(h) NONDUPLICATION OF BENEFITS.—A member of the family of a reserve component member who is eligible for benefits under qualified health benefits plan coverage paid on behalf of the reserve component member by the Secretary concerned under this section is not eligible for benefits under the TRICARE program during a period of the coverage for which so paid.

''(i) REVOCABILITY OF ELECTION.—A reserve component member who makes an election under subsection (a) may revoke the election. Upon such a revocation, the member's family members shall become eligible for benefits under the TRICARE program as provided for under this chapter.

''(j) REGULATIONS.—The Secretary of Defense shall prescribe regulations for carrying out this section. The regulations shall include such requirements for making an election of payment of applicable premiums as the Secretary considers appropriate.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

''1078b. Continuation of non-TRICARE health benefits plan coverage for dependents of certain Reserves called or ordered to active duty.''.

(b) APPLICABILITY.—Section 1078b of title 10, United States Code (as added by subsection (a)), shall apply with respect to calls or orders of members of reserve components of the Armed Forces to active duty as described in subsection (b) of such section, that are issued by the Secretary of a military department before, on, or after the date of the enactment of this Act, but only with respect to qualified health benefits plan coverage (as described in subsection (c) of such section) that is in effect on or after the date of the enactment of this Act.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, before we get started discussing the substance of the amendment, I think it is important that I make a comment about how the amendment came about, and that this is the Daschle-Graham amendment. Senator DASCHLE has been gracious enough to let me offer the amendment, but the truth is, without his support it would never have happened.

I have enjoyed tremendously working with him and others to try to find some common ground in terms of helping our Guard and Reserve communities facing unprecedented problems from the war on terrorism. They are doing a terrific job, just as are our active-duty troops. This has been a bipartisan effort. We worked on this last year. Senator DASCHLE offered the amendment last year. We made some progress. There was a compromise reached for the uninsured Guard and Reserve members to have $400 million to allow them to have full-time health care through the military health care system. That program was not implemented to my satisfaction. I doubt if Senator DASCHLE was pleased, but at least we did make some progress.

Chairman WARNER has been very gracious in allowing us to offer this amendment and has tried to work with us at every turn. Senator CLINTON was one of the original cosponsors, along with Senator DEWINE. I could make a fairly lengthy list of Republicans and Democrats who tried to find some common ground when it comes to the Guard and Reserve community and their participation in the war on terrorism. What we have before the Senate today is a result of that bipartisan effort.

I listened to Senator DASCHLE talk about his visit to South Dakota. I had a similar visit in South Carolina when people kind of urged us to get our act together and do more in common, find some common ground up here. I think we found that today.

Guard and Reserve members, most Americans would assume, are covered in terms of military health care, but they are not. I think most Americans find it surprising that if you join the Guard or Reserve you are not entitled to military health care unless you are activated. The truth is, if you are a Guard or Reserve member, you have to work at least one weekend a month and 2 weeks a year. But the big joke among the Guard and Reserve is, ''What a heck of a one weekend a month, 2 weeks a year job'' because so many of them have been called to active duty for extended periods.

By the end of this year, 40 percent of the people serving in Iraq and Afghanistan will be members of the Guard and Reserve, called to active duty for probably a year or more. The reason that is so is because the Guard and Reserve community possesses unique skills that are essential to winning the war on terror. Mr. President, 75 percent of the people flying the C–130 in Afghanistan and Iraq come from the Guard and Reserve community. These air crews come from Air Guard units and Air Reserve units.

The C–130 is an indispensable asset in the war on terrorism. It is a four-engine prop plane. It was not the leading edge weapons system in the cold war. But when it comes to the war on terrorism, it can land in short spaces and take off in short spaces and haul people and cargo under some pretty adverse conditions. When I toured Iraq last year with fellow Senators, we had nine C–130 flights going in and out of Iraq and Afghanistan. All nine flights were manned by Reserve crews.

Ninety percent of the people in the civil affairs component of the military are Reserve or Guard members. What do the civil affairs folks do? They are the ones who go around to Afghanistan and Iraq and teach democracy. They help local government organize at the equivalent of a city or a county level. They are helping judicial systems start. They are civilian lawyers and judges and administrators who leave small towns and big towns and they offer their service to the military. That service is being offered in Afghanistan and Iraq and is completely indispensable. We will never win the war on terror unless we get some democratic principles in the Mideast, and the civil affairs units are the leading edge folks providing that service.

Another group that is highly valuable that is heavily laden in terms of Guard and Reserve participation is military police. I know our Presiding Officer is a former member of the Reserve component, legal officer. He probably has a lot of MPs from Alabama who have been called from active duty to go to Afghanistan and Iraq and Bosnia and perform that function.

The military police force has a way to go. Major combat operations are over, but we know from our PC screens, what we read and hear from what is reported from our troops, Iraq and Afghanistan are very dangerous places. What we are trying to do is create order out of chaos. The military police are not only trained in combat skills but policing skills. High numbers of the military police units that are being activated to thwart the war on terrorism come from the Guard and Reserve communities. Most of them have civilian connection to law enforcement. They come from small towns all over America—from Alabama, South Dakota, and South Carolina. They are two of the five cops deployed because they are military police Reserve or Guard units.

The point of this discussion is to try to inform the body that the reason the Guard and Reserve community is so heavily utilized is because it has unique assets and skills which are essential to win the war on terror. The commitment from this group will continue to grow probably over time—not less.

It is now time for the Senate, the House, and the administration to work together to upgrade the benefits of the Guard and Reserve community.

One of the big problems we find from the war on terror is about 25 percent of the people called to active duty from

the Guard and Reserve community are unable to go on active duty because of health care problems. That percent of the people in the Guard and Reserve do not have health care insurance in the private sector.

In my State, our adjutant general, Stan Speers, who has done a wonderful job leading our National Guard, says about 50 percent of the people in the National Guard in South Carolina have no health care in the private sector. What happens when you are called up? You have rigorous military standards in terms of being activated and sent off to war. The leading disqualifier for going onto active duty after being called from the Guard and Reserve is dental problems.

When you think about it, a lot of private health care plans have very limited dental coverage.

What we have been working on for well over a year is to provide full-time access to Guard and Reserve members and their families to military health care called TRICARE. If you are called to active duty from the Guard or Reserve, or if you join the Active-Duty services, you will became a member of TRICARE. Our chairman, Senator WARNER, is the father of TRICARE. It was through his initiative that we created this large network of hospitals and doctors that go beyond the limits of the base. We signed up doctors and hospitals all over the country and the world to provide health care to our military members and their families. TRICARE is getting better every year. It is a free benefit.

But for those who serve in the military, you earn what you are getting because nothing is really free. You are risking your life for our freedom. But there is no contribution required of Active-Duty personnel.

What Senator DASCHLE, myself, and others have tried to do is cover this problem for the Guard and Reserve community in a creative fashion. Let us allow them to enroll in TRICARE. What would be the benefit of that for their country?

Number one, our Guard and Reserve would have continuity of health care. They would be in a health care system that is providing quality health care. It would be a great recruiting tool. If you join the Guard or Reserve, you and your family would be eligible for military health care. That would be a good attraction to get new people to come in. It would be a great retention incentive for people to stay in who have already signed up because they could get their health care through the military. It would be a great relief to employers.

The unsung hero of this whole operation in terms of the Reserve community is employers. If you go without your employer for a year or greater, many employers pay the difference between active and civilian pay.

More times than not, when a person is called to active duty, they get a cut in pay. Their military pay is less than their civilian pay. Their families suffer because the military members stand in harm's way. The support network for the Guard and Reserve is not nearly what it is for Active-Duty people. They get a cut in pay.

We are trying to lessen the effects on hardships on families. We are trying to make it an incentive for Guard and Reserve participation.

Here is how the program would work. If you join the Guard or Reserve, you and your family would be eligible to enroll in TRICARE, if you chose to. You would be asked to pay a premium. Unlike your Active-Duty counterparts who receive this without any cost sharing, you would be asked to pay a premium. I think that is fair. The premiums we set up, mirror what Federal employees have to pay in terms of their match for their health care. It is a good deal for the Guard and Reserve members and their families. It lessens the cost. It would be a shared responsibility, for the member would have to contribute and the Government would have to contribute.

I didn't know this until I got into this debate. If part-time Federal employees work 16 hours a week for the Federal Government, they are eligible for full-time participation in our health care plan. If you are a temporary employee, after a year you are eligible for full-time participation without a Government match. I think that is a good idea. I think this is fair and balanced for part-time Federal employees.

I think it would be a shame for a part-time citizen soldier not to at least have that benefit. We are not talking about a normal job. Everyone who serves this country by working for the Government is doing a good thing. People in the Guard and Reserve are not only serving their country in a positive way, but they are literally risking their lives. They take a cut in pay. They go from home into harm's way. Last month, the casualty rate among the Guard and Reserve community had a tremendous bite because there are more and more Guard and Reserve people in Iraq and Afghanistan. That is going to stay the same or get worse over time because we can't win the war without these people.

This amendment would allow, if the members chose, a chance to join TRICARE for themselves and their families. They would pay a premium, and the Government would pick up the match.

The committee markup allows the Guard member to join and pay a premium. It requires the employer to pay the remaining amount of the TRICARE premium.

I appreciate that effort, but the reason I think that misses the mark is because a lot of Guard and Reserve members don't have a private health care plan with which to cost share. You are going to have a very convoluted system. And at the end of the day, I feel very strongly we should not outsource the health care needs of the Guard and Reserve family—to be shared by the military member and the private sector alone.

I think it is very important for us in the Senate and in the House to say this is a government responsibility also, that it is fair to ask the Guard and Reserve family and member to contribute. But I think it is incumbent upon us to also have the Government contribute.

I have yet to find a taxpayer who is upset with the idea that we are going to pick up some of the health care costs for our Guard and Reserve members and their families for protecting our freedom.

The cost of the program: It depends on who you ask. But the latest CBO estimate is about $5.4 billion over a 5-year period. I think there are ways to lessen that cost, and I will be very openminded to that. But we are talking about a $2.2 trillion budget, and a defense budget approaching $400 billion.

My question to the body is, Is that $1 billion a year a wise expense of money? The question is, Can we afford not to? This is about two-tenths of 1 percent of the entire military budget; 300,000 families would be affected. These families are being called upon to do more as Guard and Reserve members than at any other time in the history of the Nation. They don't have health care provided to them by the Government, even though they are fighting to make sure we are all free. That is an inequity we need to fix. A cost-sharing arrangement between the Government and the military member is the way to go. It would help our employers greatly.

If you hire a Guard or Reserve member, and if they can sign up for military health care, it is less expensive for you to hire them and they became a more valuable employee. The employer community has suffered greatly in this war. They have gone without key employees for well over a year's time. They have been paying the bills as if the person were still there, and they need some relief.

I hope we can, in a bipartisan fashion, pass this amendment that Senator DASCHLE, myself, and others have worked on for well over a year. This amendment, simply stated, would allow Guard and Reserve members and their families access to full-time military health care, so when they are called they will be fit to fight, that they will have the security that continuous health care provides families, and they will not be bouncing around from one group to the next.

This is what often happens. If you are in a health care plan in civilian work, you are called to active duty, you leave that health care plan to go into TRICARE. On one of the C–130 crews I was flying with, there were two first-time dads on the crew. One of them had a private plan with Southwestern Bell that continued health care for the family voluntarily. They do not have to do that. The other was a realtor who had private health insurance. When he was

called to active duty, his wife had to change doctors and hospitals. That was very traumatic.

We can lessen that trauma. We can give an option to the military member and their family, the Guard and Reserve military member, to have the same set of doctors and hospitals year round. They do not have to bounce from one group to another. When they are called off active duty, they lose their TRICARE eligibility within less than 6 months and have to change doctors and hospitals twice. It creates a serious disruption. Twenty-five percent have no health care in the private sector. This would solve that problem.

In terms of the money, it is the best deal you will ever find to defend America. It will save money. If 25 percent of the people called to active duty cannot be utilized because of health care problems, a small investment in their health care makes good sense from a business equation.

If necessary, we will find offsets.

I hope the Senate today, in a bipartisan fashion, will extend TRICARE health care benefits to every Guard and Reserve member who chooses to sign up in a cost-sharing fashion to make sure those people are ready to go to war when called, that their families are better taken care of, and that the concerns of continuity of health care will finally be addressed forever.

This is affordable. It is the right thing to do. Our Guard and Reserve families and members have earned it. They have earned this benefit.

I yield for my colleague, Senator DASCHLE.

The PRESIDING OFFICER (Ms. MURKOWSKI). The minority leader is recognized.

Mr. WARNER. Will the Senator yield?

Mr. DASCHLE. I yield.

Mr. WARNER. To frame what this debate is about, if I might ask my distinguished leader to let me interject on my time period, there is no stronger proponent of Reserve benefits than this humble Senator from Virginia. I served in the Marine Corps Reserve for some 12 years. I have some basic understanding of the tremendous and vital importance of our Reserve Forces and the need to try to give them as much possible care. Our bill has gone a long way to do that.

I will go into the details of the $700 million—$300 million increased expenditure by the administration on behalf of the Reserve and $400 million by the Senate Armed Services Committee. However, my distinguished colleagues from South Carolina and South Dakota wish to add into this bill a $700 million cost. It is not offset in any way. Consequently, if this amendment is adopted and we go to conference, we have roughly $700 million already in the bill, which improves the life of the reservists, and on top of that, they are suggesting an additional $700 for this fiscal year, but the outyear bills are just enormous. It would be $700 million in the fiscal year 2005 and $5.7 billion over 5 years and $14.2 billion over 10 years. We are talking about a very significant, permanent entitlement for the reservists which is extremely costly. From where do those dollars come? Out of readiness, new equipment, and other needs of the Armed Forces.

Essentially, that would be my basis for the objection.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Madam President, I appreciate the comments of our distinguished Chair and compliment him on his leadership and the effort he has made to put this bill before the Senate. I will come to the reservations he has raised in a moment.

Let me begin by thanking my colleague from South Carolina, Senator GRAHAM, for his tremendous leadership on this issue. It has been a true pleasure for me to have had the opportunity to work with him these past 18 months on this legislation. We come from quite different backgrounds, different approaches and philosophies, but on this issue in particular, I have enjoyed immensely the opportunity to work with him. I compliment him on his statement just now and on the remarkable work he has done to date.

Let me also compliment and thank Senators LEAHY and CLINTON for their work and role on our side, and certainly Senator DEWINE and others on the Republican side for their involvement.

As Senator GRAHAM noted, this is a strong bipartisan effort involving many Senators on both sides of the aisle. The votes that have been taken already indicate the depth of support and enthusiasm for the amendment Senator GRAHAM and I are offering again this afternoon.

I am sure most of our colleagues had the same experience I did last Monday. We spoke at Memorial Day events. We recalled the sacrifices made by our men and women in uniform now for more than 220 years. I am sure many of our colleagues in particular focused on the commitment made by our men in uniform today. Now, more than 800 men and women have been killed in Iraq in recent years; 122 have lost their lives in Afghanistan; more than 5,000 have been injured.

I have been to Walter Reed Army Medical Center on numerous occasions to visit the injured who are from South Dakota. If my colleagues shared my same experience, they were moved by the patriotism, by the depth of feeling and support for our troops and our country as we gathered to commemorate Memorial Day again this year.

Over and over again, I saw cars with bumper stickers proclaiming ''support our troops.'' I propose that supporting our troops entails more than expressions of support from the heart, as important as they are. We need to support our troops emotionally and rhetorically with our bumper stickers, but if we mean what we say, supporting our troops also must go to supporting their needs.

That is what Senator GRAHAM and I are again proposing with this amendment: to support our troops in a realistic and meaningful way that matters to them. That really is what this amendment does. It recognizes a need.

It also recognizes today an inequity. As my colleague from South Carolina noted, 40 percent of those boots on the ground today in Iraq are reservists, members of the Guard and Reserves. Madam President, there are 160,000 Reserve troops—1,200 from South Dakota—now on active duty. That is a dramatic departure from past practice.

In the past, it was active duty personnel who performed these roles. In the past, it was active duty personnel, augmented at times through history by the draft, who gave us the manpower we needed to do the job wherever it may have been required. But in the post-Cold War period, our military practices have changed dramatically. Now we are turning to our Guard and Reserves. We are saying: You need to fill the gap. You need to defend your country.

Now it is more than just a weekend commitment each month. Now it is a year, and in some cases 2 years of your life, giving up your job, giving up your time with family, exposing yourself to life-threatening circumstances. Now you are doing it.

Madam President, 40 percent on the ground—that is vastly different than what it was just a few years ago. So this amendment attempts to deal with the inequity of troops on the ground fighting for their country in Iraq: one troop sitting right here with full health insurance for himself and his family; the other troop, right here, with absolutely no health insurance coverage at all. How in the world today could that be fair? And how in the world, in the name of supporting our troops, can we accept that?

I want to see those ''Support Our Troops'' bumper stickers, but I want it to mean something. I want it to mean what we say. We are supporting our troops and their needs. And this is their greatest need.

I acknowledge the work done by the chairman of the Armed Services Committee and the ranking member. They have addressed this issue. I acknowledge the support they have shown. We have come some way, some distance in the last 12 months, but there are five crucial differences. For the record and for the information of our colleagues, I want to walk through those differences, if I can, just briefly, because it is our argument for why we need the amendment offered by Senator GRAHAM and myself and others.

First is coverage. Under the committee bill, only those reservists who can gain the consent of their employer will be allowed to participate. We believe the fate of reservists in the private sector should not be determined by their employer's attitude.

Why should they have to get approval from their employer to get health insurance from their Government—fighting for their country, as they now do in Iraq, Afghanistan, and around the world? To me, that does not connect. Employer support is helpful, but employer approval to get Government benefits does not seem, to me, to be the approach we want to subscribe to, and I think it sets a very dangerous precedent.

The second is cost. The committee bill requires the reservist's private-sector employer to pick up 72 percent of the cost of the reservist's health care premium. So unless the reservist's employer is prepared to pay 72 percent of the premium for the reservist, that employer is not going to sign off on the health care coverage. The employer is going to say: I would love to do it, Joe, but I can't afford it. You are telling me to do something I would love to do.

My colleagues and I know how these things work. I have talked to a lot of awfully good employers, awfully good small employers, who virtually break down when they tell me how it hurts for them to make a decision between offering employment and offering benefits and recognizing they cannot do both. We have thousands of employers in South Dakota who would give anything if they could offer benefits to their employees. But to tell those employers they are going to have to pay 72 percent of the cost, I guarantee you, almost 100 percent of the employers will say they can't do it or they would have done it by now.

Now, as it relates to cost, yes, the chairman is correct. The cost of this program in the first year is $696 million. Madam President, $696 million sounds like a lot of money, and it is—$5.7 billion over 5 years. But, as the Senator from South Carolina said so well, do you know what that amounts to in terms of the percent of the defense budget? In percentage terms, for the defense budget, this represents two-tenths of 1 percent. That is what we are talking about, two-tenths of 1 percent, to follow through with the commitment that we, as a nation, must make when we say: ''Support Our Troops.''

I think we can afford two-tenths of 1 percent. And, as Senator GRAHAM said so well, we cannot afford not to. I will get to that in a moment.

The third difference is reimbursement. Under our amendment, if a reservist's family opts to retain their personal doctor rather than enroll in TRICARE when the reservist is activated, the family can do so. We want to give the family the option of choosing the best coverage for themselves, and the Defense Department would simply pick up a portion of the family's private health care premium. That is all we do. You choose. You are not going to be penalized for whatever choice you make.

The fourth difference is the amount of the annual premium. Under our amendment, an individual reservist can obtain health coverage for about $1.37 a day. The reservist with a family could obtain coverage for about $4.90 a day. The committee bill does not specify how much a reservist would have to pay, and they leave it to DOD.

I think reservists will tell you: We like the certainty of knowing, as we make our choice, what it is going to cost. And $1.37 a day is $1.37 more a day than Active-Duty personnel pay. And $4.90 a day is $4.90 a day more than Active-Duty personnel pay for family coverage. So the reservists are already paying more than what their counterparts right next to them in the line of battle are required to pay today, even though they are both defending this country.

Finally, the last difference has to do with deductibles and copayments for doctor visits. Unlike the committee bill, we ensure that the reservist would not face an annual deductible or copayment for doctor visits. The committee bill does.

So those five specific differences are why we have come to the floor. We acknowledge the commitment and the effort made by our chairman and ranking member and others on the committee to address this issue. But I have to say, for two-tenths of 1 percent of the entire defense budget, we will be able to say to our reservists: We are not only going to support you rhetorically, we are going to support you with what you have told us is your single greatest need and concern today.

There are three reasons I think we need to adopt this legislation: First, because it is the right thing to do. I don't know how you explain, today, to a member of the Guard or the Reserves, who soon could be stationed in Iraq for perhaps 2 years that even though he is required to pay for his health insurance and his Active-Duty counterpart is not, that we are not even going to give him even that chance at coverage, but we want him to defend his country. I do not think that is right. That is inequitable, that is unfair, and this amendment addresses it.

The second is retention. Senator GRAHAM mentioned this so well. We have some very serious concerns about retention in our Guard and Reserves, for good reason. For a lot of them, this is not what they bargained for; this is not what they were told. We have the best Guard and Reserves we have ever had, the best we have ever had in history. If we do not want to go back to those bad old days, in my view, of the draft—and we have a bill pending, S. 89. I get asked all the time: Will there be a draft?

I tell them: No, I don't think you have to worry about a draft. Why? Because the volunteer Army has worked. Why? Because the Guard and Reserves are filling that void, that gap that we used to call upon the draft to do. But if we see the attrition and the erosion in support and the reduction in the enrollment and re-enlistment, we are going to pay a very heavy price. I cannot think of a better inducement for re-enlistment than this.

Finally, the third reason is simply the need. You can check the category, but across the board, one out of every five of our members of the Guard and Reserves has absolutely no health insurance today. In the age groups below 30, it is even higher, almost 40 percent. So there is a need that we need to address.

So I enthusiastically join my colleague, the distinguished Senator from South Carolina, Mr. GRAHAM, in asking our colleagues, once again, to do what they have done in the past: Support the effort to provide this needed benefit. It is needed, not only for purposes of addressing an inequity that I think has been long overdue, but also real concerns about retention and parity. If we are all going to do what we said we were going to do last Monday, during our Memorial Day speeches—''support our troops''—let's do it more than with bumper stickers and rhetoric.

Let's do it immediately. Let's help them. Let's provide them the assistance they tell us would mean more than anything else we could do for them right now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I ask my colleagues for no more than 2 minutes.

I listened intently to our distinguished Democratic leader as he outlined his proposal. Correct me if I am wrong, but I understood him to say that when a reservist goes on active duty, he has to worry about his costs.

Could I direct the Senator to title 107(4)(a) entitled ''Medical and Dental Care'' which explicitly says for anyone, reservist or guardsman, on active duty for 30 days or less, they are entitled to it. There is no problem. They are treated exactly as the Active-Duty individual. So may I ask the Senator to refer to that statute and review the remarks that he made to the Senate.

Mr. DASCHLE. Madam President, if I may respond to the distinguished Senator from Virginia, I would simply say that he reads and interprets the law correctly. He said it just as the law reads. While on active duty for that 30-day period, there is no difference. But what about before and after? What about the families and what about the opportunities accorded those families when the need arises? There isn't any accommodation. I think we have to take into account the universe of support we provide through health benefits for Active-Duty personnel.

I stand by my statement concerning the disparity that exists today. I don't want to take anything away from Active-Duty personnel. They deserve every dollar of support we provide them through good health insurance. All I am saying is that today, given the dramatic change we have seen in the makeup of our military and the role

now that the Guard and Reserves play, the Guard and Reserves, for a personal commitment that I outlined in my remarks a moment ago—$1.37 a day for individuals, $4.90 a day for families—ought to be entitled to that same level of confidence. Today the law denies that.

I thank the Senator for asking the question.

Mr. WARNER. Madam President, I appreciate that the Senator at least clarified that point. I would like to point out also that in the existing bill, we have added 6 months after demobilization in a transition to civilian life. They are entitled to these same benefits. It isn't as if we drop them the day they walk out of the gate, having served with distinction in his or her service on active duty.

I think we are framing this debate correctly. We have to look at the associated costs with this permanent entitlement program which is being proposed. Bear in mind, particularly to my colleagues who have had experience in the military themselves, we are narrowing the gap between the benefits for reservists and guardsmen and those who commit to enlistment for 5 years or those who aspire to be careerists for 20-plus years. Pretty soon people are going to say, why should I become a regular member of the U.S. Army and sign up for commitments of many years when I can stay in the Reserve and just about get all the same benefits that a regular gets? Once we start that breakdown, I dare say, my dear friends, we will have a lot of difficulty recruiting for the Active Forces and much less difficulty recruiting for the Reserve and the Guard.

I believe the Senate is under an order.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:34 p.m., the Senate recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

The PRESIDING OFFICER. In my capacity as a Senator from New Hampshire, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

AMENDMENT NO. 3258

Mr. WARNER. Mr. President, as to the points of the pending amendment that the Senator from South Carolina and the Senator from South Dakota have spoken very eloquently about with regard to their amendment, I will interject briefly my own observations and strong opposition because I believe that the Armed Services Committee structured a very adequate program for the Reserves.

I direct the attention of Members to page 135 and thereafter in the bill on each desk, which outlines what the committee did. Roughly, the President's bill had $300 million in allocations toward additional benefits for the Reserve and Guard. The committee went beyond that and added another $400 million, and now along comes this proposal which would add on top of that another $700 million.

We are really beginning to face quite a severe dollar problem because unless this amendment is defeated, it would require the conference to seek out cuts in other military programs, all of those programs having been carefully evaluated by the two committees, the House and the Senate, and reduce them by some $700 million. That is the bottom line.

The other reason I feel very strongly about that this proposed legislation is not in the best interest of the services, it really begins to provide for the Reserve and Guard Forces in a manner that is commensurate with the Active-Duty military personnel.

Stop and think. When a young person—and oftentimes that person now has a family with a wife and vice versa as the case may be—sits down and evaluates their life and how they would like to make a commitment to service in uniform to this country, suddenly they look at the alternatives. Well, there is the Active and we get a certain degree of benefits under the Active; then there is the Reserve or the Guard, and they compare the benefits that they would get under that program. If this legislation is passed, it is beginning to close the last gap between the benefits on the Active side and the benefits on the Reserve and Guard side.

Now, one might say, well, Senator, when the Reserves are called to active duty, they perform just as the Active member, and that is correct; they take the same risk as the Active member, and that is correct; the family assumes much the same hardships as the Active member, and that is correct. But when the Reserve completes his or her obligation of a callup, they return to the Reserve status, they return to their homes, they return to their civilian jobs and their life in the civilian community with such obligations as their Reserve or Guard requirements require.

The Active person perhaps finishes their overseas commitment, they go back to the training base, they are fully in the military, fully subjected to the regimen of the military, fully subjected to going right back overseas on a very short turnaround basis. We have witnessed that during this conflict period covering the AORs of Afghanistan and Iraq. But the regular soldier, sailor, airman, and marine, when they commit to a tour of duty of 3 or 4 years' obligated service, or the officers accept their commissions and obligate themselves for 4 or 5 years, whatever the case may be, they understand that, but it makes for equity and fairness that the Active rolls have some benefits that compensate for the rigors, the constant risk, the constant disruption, the constant moving of the Active-Duty Force, unlike the reservist who is called back for a period of time, then released to go back to their civilian jobs and their homes. They could own that one home, whereas the military soldier, the careerist on active duty, often has to get a home, sell it, go get another one, sell it, move, move, sell, rent. Those are hardships for which I think through the years the Congress has carefully balanced out an equitable formulation of the benefits for the Active Force and the Guard and Reserve.

This amendment makes a very substantial closing of that gap, and I think it will be an inducement for young people now to go into the Reserve and Guard because they are going to have just about the same benefits as the individual on active duty, but they can stay in their homes, stay in their jobs, perform their weekends and 2 weeks in the summer active field training. They can match both their civilian life and their Guard and Reserve life and balance it in such a way as to basically stay home. That is not so with the regular force.

So when we reported out the bill S. 2400, we went further than the Senate has ever gone before to improve health care benefits for Reserve members, and it reflects our Nation's growing reliance on their service. When a Reserve or Guard is called up, within 30 days—and I think in a respectful way I brought this to the attention of the distinguished Democratic leader—they are treated just as an active Regular once they go on that active duty. We have added permanent TRICARE coverage before and after mobilization and created a new option for the Reserves and their families to participate in TRICARE while they are enjoying the benefits of civilian life. They have an option but they have to pay something for it.

The bottom line is we are dealing with the taxpayers' money. That is what we are dealing with, the taxpayers' money, and it is quite a considerable commitment under this amendment.

Our fundamental disagreement is how we achieve these goals. The difference, again, is cost. The amendment would be $700 million for this 1 fiscal year, $5.7 billion over the ensuing 5 years, and $14.2 billion over a 10-year period from adoption. We are under stringent budgets these days, and our military is very much in need of modernization, new equipment, additional training, reconfiguration, particularly the U.S. Army, and all those are costly

items. If this amendment were adopted, it would draw down on that ability of modernization.

Our statistics show the vast majority of reservists and their families, at least 85 percent according to the Comptroller General, have health coverage from their employers. Recruitment and retention among Reserves at the present time is not a crisis. So this is not a recruiting tool.

So I ask my colleagues, why, then, should we respond to increasing calls to the Reserve providing health care compensation in a civilian capacity that is so costly as to guarantee erosion of funding needed for readiness requirements of the other military branches? Under S. 2400, all become eligible for TRICARE when they are mobilized in support of a contingency. All are eligible for 6 months additional coverage after they are demobilized. Mr. President, $200 million is set aside for a demonstration project to provide coverage for the unemployed and the uninsured.

In addition to these new benefits, let us not forget that all reservists and their families are eligible to enroll in the Reserve dental insurance program, in which the government pays 60 percent of premiums for reserve families whose sponsors are mobilized for more than 30 days; and all reservists who retire with 20 years of creditable service are eligible for TRICARE for life when they reach age 60.

Colleagues, the amendment will duplicate private insurance, handing a windfall to the insurance companies who are now paying full premiums for coverage of civilian-employed reservists. The amendment asks the taxpayers to take the place of employers in providing health care coverage for reserve members while they enjoy the benefits of civilian employment and civilian life.

The underlying bill also includes authority for appointment of an independent commission on the future roles and mission of the reserves. This commission would examine all the proposals for enhancements to compensation and benefits of Reserve members that have been proposed in light of changes in current and future roles.

We should not more blindly into a permanent and costly government entitlement for reservists while, unlike their active duty counterparts, they are enjoying the benefits of civilian life, and earning benefits in their civilian roles.

This is the fundamental basis for the reserve: an option, desirable to many, to maintain civilian employment and benefit status and civilian lifestyles for the majority of their careers, while serving in reserve for the nation's active military components.

Let us not ignore the significant investment and improvements in the underyling bill for reserve members and their families, which are affordable for this country, today and in the future.

So I think we have hit a very balanced program in the committee bill acted upon by all members of the committee. To the best of my knowledge it was voted out unanimously by committee. I hate to see this treatment of the hard work of the committee. They are entrusted, by virtue of their assignments on this committee, with making the tough decisions as to how best to balance the benefits given to the Guard and Reserve and those in the Active Force. And I come back to the American taxpayer who has to foot a very considerable permanent guarantee, the entitlement under this program for many years.

At this time I yield the floor.

Would the Chair advise the Chamber with regard to the time remaining under the control of the Senator from Virginia and the control of the two proponents of the measure?

The PRESIDING OFFICER. At this time there is no pending time agreement.

Mr. WARNER. I see. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. REID. Will the Senator from South Carolina yield?

Mr. GRAHAM of South Carolina. Yes.

Mr. REID. I have spoken to the two managers of the bill and the proponent of the underlying amendment, together with Senator DASCHLE. They would be willing to start a vote at 3:30. However, I don't think there is that much more talk on this amendment. We will have a vote at 3:30 for the convenience of some Senators. We could complete the debate fairly soon, within the next 10 or 15 minutes, and then if the Senator from Virginia wanted to lay down the $25 billion amendment, we could do that and get started on that, and then we would stop at 3:30 and have our vote?

Mr. WARNER. Mr. President, I think that is a very good suggestion. We then seek unanimous consent to vote, now, at 3:30, with the understanding that in the interim period we could set the amendment aside, bring up another amendment, and then terminate debate on that amendment at the established 3:30?

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I understand we will soon be carefully scripted by our very able staff.

Mr. REID. We can be carefully scripted, but the point is, what the intent of the manager of the bill is that we will vote at 3:30 on the Daschle-Graham amendment. Then prior to that time we would have a few minutes remaining on this amendment. Then we would go off this, go to, I believe it will be a bipartisan amendment of Senator WARNER and Senator LEVIN about $25 billion, debate that for a while, vote, and then go to the recognition time for the World War II veterans. Then, if the leader decides to come back after all that is done, tonight we would be on the $25 billion amendment and either vote on that tonight or some other time because under the order, as I understand it, that is now entered, tomorrow morning we go to the Cantwell-Graham problem we have.

Mr. WARNER. Mr. President, as usual our distinguished colleague has stated the facts with accuracy.

The PRESIDING OFFICER. Without objection, the pending request is withdrawn. Who seeks time? The Senator from South Carolina.

Mr. WARNER. Not on time yielding, as I understand it; whoever seeks recognition. I have had a time to speak. As I understand it, my colleague from Michigan——

Mr. LEVIN. I just have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, as I understand it, this is going to be a unanimous consent that is going to be entered formally, but it has not yet been entered; is that correct?

The PRESIDING OFFICER. The Senator is correct. The suggestion has been made.

The Senator from South Carolina.

Mr. GRAHAM of South Carolina. I just need 10 minutes to speak on the amendment.

Just to conclude this debate, this debate has been going on for a very long time, more than a year, on how to best take care of the Guard and Reserve Forces in terms of their health care needs. It is an honest debate, sincere debate. Mr. President, 85 Members of the Senate voted last year on this very amendment. I think I understand why they voted to extend health care benefits to the Guard and Reserve, full time, and with the premium to be paid for them. It makes sense for our military needs. Forty percent of our people in Iraq and Afghanistan are going to be Guard and Reserve members.

Let me explain as best as I can how this works. If you are a member of the Guard and Reserve today, while you are serving in that capacity you have absolutely zero health care benefits offered to you from the military. A part-time Federal Government employee, a temporary Federal Government employee receives health care benefits. So go home and explain that one. You can be a part-time Federal employee, work in the Senate or the House, and you get health care. You can be a part-time citizen soldier, training to defend America, and you get zip.

Now, it is true when you are called to active duty you get everything an Active-Duty person gets. The reason is because you are on active duty. That is not that great of a benefit, to pay you like somebody right next to you and to give you the same benefits because you are doing the same job. The point we are trying to make is, there is a problem in the Guard and Reserve community when it comes to health care. Mr. President, 25 percent of the people called to active duty, as I stated before, from the Guard and Reserve community are unable to go on active duty

because of health care problems. I would argue that we need a better health care network covering our Guard and Reserve members and their families, from a readiness point of view.

Let's talk a little bit about retention. The head of the Army Reserve said yesterday—and this is back in January—that the 205,000-soldier force must guard against a potential crisis in its ability to retain troops, saying serious problems were being masked temporarily because reservists are barred from leaving the military while the units are mobilized in Iraq.

In this prison abuse scandal what we found was that the MPs in that jail, and some of their associates, were due to go home, but they couldn't go back home because they were needed in Iraq, and they had the rug pulled out from under them, causing tremendous morale problems.

''This is the first extended duration war our Nation has fought with an all-volunteer force,'' said LTG James R. Henley, the head of the Reserves. ''We must be sensitive to that and we must provide proactive, preventive measures to prevent a recruiting retention crisis.'' 1–21–04.

''We got a real retention issue,'' said Republican Governor of South Carolina, Mark Sanford, our Governor and a member of the Air Force Reserve. ''We are going to see it emptying when people's tickets are up and when Guardsmen are not stepping up to the plate.''

You know, I am not sure that is true. Patriotism is high. To prevent them from getting out, we need to be thinking of what we can do to make it a more attractive job. But let's say you stay in. What can you do to honor your service to our country? This Congress has spent $400 billion on Medicare improvements. Let's talk about money for a minute. We are trying to get every senior in the country to sign up for a discount card because we want to help seniors. Great, good idea.

We are trying to spend $1 billion a year for 5 years to give Guard and Reserve members continuity of health care coverage, and we are arguing about the money? We spent $20 billion of hard-earned taxpayer money in Iraq. We gave it to the Iraqi people, to build their hospitals, to build their schools, to build their roads, to build their fire departments, and their police stations, to train their army. Do you know what. The money is needed.

I wanted to loan some of it because they are sitting on $1 trillion worth of oil. I like helping people but I want people to help themselves. So when it came time to write this amendment we did strike a balance. Here is the balance.

Right now, as a Guard and Reserve member, you are a part-time Federal employee. Unlike every other part-time Federal employee, you get nothing. So here is what we are suggesting. If you want to, you can sign up for military health care year round. It will be eligible for you and your family—you will be eligible for that program. But while you are a Guard or Reserve member you are going to have to pay a premium like a Federal employee. I wish we could get the Iraqi people to help pay some of the money back, but we are not. So they are going to make a contribution. This is not a free deal. They have to pay like every other part-time Federal employee. Put them in that same category. They deserve to be in that category.

Here is the difference between an Active-Duty troop and a Guard and Reserve member. No. 1, an Active-Duty troop is doing a great job, and we should pay them more. Senator WARNER has done a great job improving benefits for Active-Duty people. Our Armed Services Committee in the Senate has been second to no one in trying to make a better life for those who serve our country. My hat is off to them. We just have a disagreement over this particular amendment. But we are daily improving the benefit package of Active-Duty people. By God, they deserve it.

But here is why it will not affect recruiting. The Pentagon has started this argument. It is the most bogus argument I have ever heard. It is that if you offer TRICARE eligibility for the military members who would have to pay $1,800 a year for the benefit, as a premium for a family, that somehow that will hurt recruiting for active duty.

Here is your choice if you are going to pick between the two programs. You have a Reserve job or a Guard job that allows you to work one weekend a month, 2 weeks a year, and you get to retire when you are 60. The Active-Duty person gets a full paycheck, gets full health care benefits, gets a retirement after 20 years. There is no way that is going to compete and take people away from Active-Duty Forces. How are you going to raise a family working 2 days a month? They are part-time employees in a vital job, to defend America. Unlike every other part-time Federal employee, they are not eligible for Federal Government health care, and they should be. We are asking them to pay a premium unless they are called to active duty.

That is a fiscally responsible balance. We spent $20 billion of the taxpayers' money to make Iraq a better place. We spent $400 billion and counting on a prescription drug program for our seniors. Here we are, trying to get $5.4 billion over a 5-year period to cover 300,000 families who have suffered beyond description, in terms of leaving their homes and their jobs for pay cuts. Most Guard and Reserve members, when called to active duty, leave obligations behind, greater than the military paycheck. They make more money in the civilian world and when they are called to active duty they take a pay cut and we don't make up the difference. But they know that going in.

There are small things that mean a lot to these people, and this is truly small, in terms of money. It is two-tenths of 1 percent of the budget. Mr. President, 25 percent of the people are unable to go on active duty when called to the Guard and Reserve community because of health care problems. This amendment more than pays for itself. The money is well spent. It is affordable, and there are many programs in this budget that cost more than $700 million that, if you ask the taxpayer to choose, I think the Guard and Reserve community would win every time.

How many bills do we pass every year that spend billions of dollars on questionable programs? This is the one area upon which we can all agree. The Guard and Reserve community needs a better benefit package because they are being asked to do more than ever. They are dying at a greater rate this year than last year. What has happened in the year when we first debated this? There are more of them and they are dying at a faster rate.

The father of TRICARE is Senator WARNER.

This is why I object to committee markups. No. 1, the entire cost of TRICARE under the committee markup is borne by the employer community and the reservists. The Government doesn't contribute one penny to the health care needs of our Guard and Reserve members. That is wrong.

The unsung hero of this whole war effort, when it comes to the Guard and Reserve community, is the employer. Wouldn't it be nice if we could take a load off of small businesses and large businesses which have guardsmen and reservists and share in the cost of health care along with the Guard members themselves and take them off the payroll? It is a small thing. It would mean a lot to employers.

Employers have paid the difference between active pay and civilian pay voluntarily, and in huge numbers. We have done nothing to thank them. Taking care of the health care needs of our Guard and Reserve Forces is one less problem an employer has to worry about.

I ask the 85 Members of the Senate who voted last year for this very same measure, which is now $300 million cheaper and going down every minute because we are trying to make it cheaper, to step to the plate and say to the Guard and Reserve community: We got it. We understand your sacrifice. We understand your stress. We understand your family is having health care coverage problems. Twenty percent of them have no health care. They are bouncing from one group to the next, and we are going to fix that. We are going to give you an option. We are going to ask you to pay some, but we are going to make your health care life better.

I ask unanimous consent to have printed in the RECORD letters of support for this amendment from the National Guard Association of the United

States, the Reserve Officers Association of the United States, the Reserve Enlisted Association, the Air Force Sergeants Association, along with the National Guard Association of the United States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES,
Washington, DC, May 19, 2004.

Hon. LINDSEY GRAHAM,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the 50,000 members of the National Guard Association of the United States (NGAUS), I want to thank you for doing so much for our membership in the National Defense Authorization Act for Fiscal Year 2005 (NDAA FY05). Your leadership, along with your colleagues, has given our soldiers and airmen the much-needed opportunity to participate in the TRICARE health program when not in a mobilized status.

This health coverage will not only provide Guard members and their families with continuity of care, but also with a chance to positively contribute to the betterment of the TRICARE program. As we all know, the system of care will respond in a positive way to these additional beneficiaries, especially in remote areas. The three new provider networks—TriWest, Health Net, Humana—have made a commitment to ensure TRICARE beneficiaries are satisfied with their health care. Along with Congress, we will also be keeping an eye on the path of transition from 11 TRICARE regions to three.

We recognize section 706 in the NDAA FY05 is an excellent starting point to providing a health care program to our Guardsmen as a measurement of the country's appreciation for all they have done. We support the initial intent of S. 2035, as sponsored by you and Senator Daschle, which was to have the Department of Defense pay 72 percent of the premium cost, thereby taking the burden off private and public employees completely. The NGAUS fully understands the pressure of budget constraints in the FY05 budget, but we are hopeful that soon the burden will be taken off the employers and rest fully in its intended, and rightful place, in the Department of Defense.

The fashion in which the National Guard is being utilized has forced America to take notice and recognize the full worth of these exceptional men and women serving in harm's way. Guardsmen are our neighbors, teachers, co-workers and students. Once again, thank you for all you have done for the soldiers and airmen in the National Guard.

Sincerely,

RICHARD C. ALEXANDER,
Major General (Ret.), AUS,
President.

RESERVE ENLISTED ASSOCIATION,
May 21, 2004.

Hon. THOMAS A. DASCHLE,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. LINDSEY O. GRAHAM,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR DASCHLE AND SENATOR GRAHAM: The mobilizations over the past three years since September 11th have once again shown that the readiness of our reserve components has been affected by medical issues. When called upon our nation's citizen-soldiers need to be prepared to answer that call, but without proper healthcare we cannot maintain a well trained and ready reserve force.

The Reserve Enlisted Association supports Daschle-Graham amendment to the Senate Armed Service Committee, FY2005, National Defense Authorization Act, S.2400, requiring the Department of Defense to assume responsibility for the employer cost of a Reservist's healthcare under TRICARE.

REA is dedicated to making our nation stronger and our military more prepared and look forward to working together towards these goals. Please feel free to call me at 202–646–7758 or via email at lburnett@reaus.org or our Legislative Director, Seth Benge.

Sincerely,

LANI BURNETT,
CMSgt, USAFR (Retired),
Executive Director.

AIR FORCE SERGEANTS ASSOCIATION,
Temple Hills, MD, May 15, 2003.

Hon. LINDSEY GRAHAM,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the 136,000 members of AFSA, I would like to offer our support of S. 1000. This association has been on the leading edge of the effort to lower the earliest Guard and Reserve retirement age. We feel very strongly that the retirement age should be lowered at a minimum to age 55, consistent with the retirement age of all other federal retirees. Although the provisions contained within S. 1000 addressing this issue fall short of what we believe is fair, it is a step in the right direction.

Without question, reservists and their families will benefit from the opportunity to receive health coverage through TRICARE. So will DoD. Beyond recruitment and retention, this program will improve readiness since nearly 20 percent of reserve component members do not currently have health insurance. Maintaining a healthy force is absolutely essential to maintaining a prepared force.

The success of our national defense is dependent on a ''Total Force'' effort, and the availability of Guard and Reserve members is critical. The various tax credits contained in S. 1000 will encourage employee and citizen participation in Guard and Reserve programs, thereby facilitating the availability of these important servicemembers when they are needed.

I thank you for taking the initiative to introduce such an important piece of legislation. As always, I offer you this association's support on this and other matters of mutual concern.

Sincerely,

JAMES D. STATON,
Executive Director.

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
Washington, DC, May 18, 2004.

Senator THOMAS A. DASCHLE,
U.S. Senate, Senate Hart, Washington, DC.

Senator LINDSEY O. GRAHAM,
U.S. Senate, Senate Russell, Washington, DC.

DEAR SENATOR DASCHLE AND SENATOR GRAHAM: It has been over a decade since Desert Shield and Desert Storm occurred and medical readiness problems were identified; yet the Reserve Components face the same problems with medical and dental fitness when mobilized for Iraq and Afghanistan. We cannot continue losing the service and experience of Reserve Component members who cannot mobilize due to medical readiness.

The Reserve Officers Association supports the Daschle-Graham amendment to the Senate Armed Services Committee, FY2005, National Defense Authorization Act, S. 2400, requiring the Department of Defense to assume responsibility for the employer cost of a Reservist's healthcare under TRICARE.

Sincerely,

ROBERT A. MCINTOSH,
Major General (Ret.), USAFR,
Executive Director.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES,
Washington, DC, May 21, 2003.

Hon. LINDSEY GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the men and women of the National Guard Association of the United States (NGAUS), I would like to personally thank you for your leadership in helping ensure passage your amendment to the National Defense Authorizations Act for fiscal year 2004 based off S. 1000 and S. 852. This important amendment provides the opportunity for Guardsmen to participate in the Tricare program on a cost-share basis. As you know, this initiative to improve healthcare readiness for members of the National Guard and Reserve components and their families is at the forefront of our priorities.

Your staff, especially Steve Flippin and Aleix Jarvis, has put forth a tremendous effort toward this initiative. You should be proud to have such an outstanding team.

Again, thank you for your continued support of a strong and viable National Guard.

Sincerely,

RICHARD C. ALEXANDER,
Major General (Ret.), AUS,
President.

Mr. GRAHAM of South Carolina. Mr. President, these letters are not just words on paper. I challenge every member of the public and every Senator to go back home and spend a few minutes in a Guard and Reserve unit and ask about TRICARE for those who have been on active duty.

Does it work? Senator WARNER deserves great praise because it is working. Ask the question: If you could sign up for TRICARE year round and pay a premium, how many of you would do it? Hands would be raised. It would be a great benefit to the 300,000 forces. It would be good for their families. It would be good for retention. It is affordable, and it is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, my colleagues have just heard an eloquent and extraordinarily persuasive case for the amendment offered by our colleague from South Carolina. It illustrates yet again why it has been such a pleasure for me to work with him on this amendment. He has made the case.

But for emphasis let me reiterate a couple of points which he made better than I could. First, with regard to cost, our distinguished Chair this morning—and I think on other occasions—has raised an understandable concern. He correctly noted that the cost of this amendment this year is about $696 million. The cost over 5 years is $5.7 billion. He correctly noted that there isn't any particular offset listed for this benefit. Of course, what we haven't said is that is exactly the situation we will face with the amendment he is about to offer. The only difference is

his is $25 million and ours is $696 million.

I said the only difference but there is another difference. The amendment requested by the administration for our efforts in Iraq indirectly benefits the United States but directly benefits the people of Iraq. This amendment benefits directly 300,000 people—men and women who are putting their lives on the line in support of their country's efforts in Iraq. It is two-tenths of 1 percent of the entire budget.

That is all we are asking—to say with an exclamation point that we support our troops. We support the efforts made by our members of the Reserve, the Guard, and the extraordinary heroism, patriotism, and dedication they demonstrate each and every day on the job.

We give our colleagues on the Armed Services Committee credit and our thanks for making an effort to address this problem in the bill, but with great respect and tremendous admiration for them. In particular, we have indicated in the past our concern and, frankly, our opposition to the language—as well intended as it is—to require that employers and the guardsmen themselves shoulder 100 percent of the responsibility, in light of the fact the colleagues they work next to every single day on the job get that critical benefit; it is part of their package for serving in the military. That is wrong.

To give an employer veto power over whether this guardsman can access the benefit is wrong. To say we are going to benefit our active-duty personnel and not provide any help or appreciation for the extraordinary difficulties in accessing health care for guardsmen is wrong.

The 85 Senators who supported this legislation in the past need to demonstrate once again that our commitment has not eroded and we will continue to press for parity, for fairness, for a recognition of the commitment made by our members of the Guard and Reserves every single month, week, and year until this action becomes law.

My colleague from South Carolina has done it so well, laying out our arguments and the persuasive case to be made. All that remains is, on a bipartisan basis, to again reiterate our strong support for the fairness represented in the Graham-Daschle amendment.

I thank him for his leadership. I thank our colleagues for their support. I hope we can send a clear message today, as we have said on so many occasions, that when we say we support our troops, we mean it with more than our words. We intend to step up to the plate and show it with our deeds. That is what this amendment does.

I yield the floor.

Mr. DEWINE. Mr. President, I thank the committee for their hard work on this bill. I am always impressed by how Senator WARNER and Senator LEVIN manage this bill and for the excellent work of their staff. Their continued commitment to our troops, and to our Nation is evident in this bill. It is especially important right now.

I also thank the committee for their very important inclusion of expanded TRICARE coverage to several members of the Guard and Reserve. While limited, the Committee's inclusion of any extended health care benefits to the reserve component is unprecedented. The committee's mark is an important step in the right direction, but the benefits included in the committee's mark simply aren't enough. They don't go far enough to reach the folks we need to; the current provisions don't provide the kind of coverage that we owe these individuals and their families. They also don't recognize the continued sacrifice of the employers of our Reservists and Guardsmen.

That is why I join my colleagues—Senator LINDSAY GRAHAM, Senator DASCHLE, and Senator LEAHY—in support of this important amendment. Unfortunately, benefits for our Guard and Reserve simply have not kept pace with the increasing role these folks are expected to play. With the increasing demands we are placing on these individuals, it is the right thing to do. I look forward to working with my colleagues throughout the coming months to make these important initiatives a permanent reality.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, at this time I would like to lay this amendment aside and proceed with another matter, with the understanding that prior to the vote, assuming we do establish the vote to be at 3:30, there may be some desire by the proponents as well as the opponents to speak for a few minutes.

We will proceed at this time.

Mr. REID. If the Senator will yield, is there any reason we cannot lock in a vote at 3:30 today?

Mr. WARNER. I now ask unanimous consent that following the granting of this consent, the pending amendment be temporarily set aside in order for the chairman to offer an amendment regarding a $25 billion contingent fund. I further ask consent the vote in relation to the pending TRICARE amendment occur at 3:45 today, with the 15 minutes prior to that vote equally divided in the usual form, with no second-degree amendment in order prior to the vote. I further ask consent following the vote, the Senate begin the 60-minute period during morning business and provided for earlier. That will address the recognition of the World War II veterans who are currently Members of the Senate.

I amend one thing, if I may, from my reading, and that is at 20 minutes prior to the vote, I understand there is another speaker on my side who may wish to speak.

Mr. REID. That would interrupt the amendment you are going to lay down.

Mr. WARNER. That is correct.

Mr. REID. And go back to TRICARE, 20 minutes before the vote on TRICARE?

Mr. WARNER. Correct.

Mr. REID. Rather than 15 minutes, we have 20 minutes equally controlled between the 2 managers.

Mr. WARNER. Correct.

Mr. LEVIN. Reserving the right to object, to clarify, is it 20 minutes on top of the 15 minutes?

Mr. WARNER. No, extending 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Presiding Officer.

I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3260

Mr. WARNER. I now send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. STEVENS, proposes an amendment numbered 3260.

Mr. WARNER. I think that should say Senator WARNER, for himself, Mr. LEVIN, and Mr. STEVENS.

The PRESIDING OFFICER. The amendment is so modified.

Mr. WARNER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize appropriations for a contingent emergency reserve fund for operations in Iraq and Afghanistan)

On page 239, between lines 2 and 3, insert the following:

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS FOR A CONTINGENT EMERGENCY RESERVE FUND FOR OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated by this Act, there is hereby authorized to be appropriated for the Department of Defense for fiscal year 2005, subject to subsections (b) and (c), $25,000,000,000, to be available only for activities in support of operations in Iraq and Afghanistan.

(b) SPECIFIC AMOUNTS.—Of the amount authorized to be appropriated under subsection (a), funds are authorized to be appropriated in amounts for purposes as follows:

(1) For the Army for operation and maintenance, $14,000,000,000.

(2) For the Navy for operation and maintenance, $1,000,000,000.

(3) For the Marine Corps for operation and maintenance, $2,000,000,000.

(4) For the Air Force for operation and maintenance, $1,000,000,000.

(5) For operation and maintenance, Defense-wide activities, $2,000,000,000.

(6) For military personnel, $2,000,000,000.

(7) An additional amount of $3,000,000,000 to be available for transfer to—

(A) operation and maintenance accounts;

(B) military personnel accounts;

(C) research, development, test, and evaluation accounts;

(D) procurement accounts;

(E) classified programs, and

(F) Coast Guard operating expenses.

(c) AUTHORIZATION CONTINGENT ON BUDGET REQUEST.—The authorization of appropriations in subsection (a) shall be effective only to the extent that a budget request for all or part of the amount authorized to be appropriated under such subsection for the purposes set forth in such subsection is transmitted by the President to Congress after the date of the enactment of this Act and includes a designation of the requested amount as an emergency and essential to support activities in Iraq and Afghanistan.

(d) TRANSFER AUTHORITY.—(1) Of the amount authorized to be appropriated under subsection (b)(7) for transfer, no transfer may be made until the Secretary of Defense consults with the Chairmen and Ranking Members of the congressional defense committees and then notifies such committees in writing not later than five days before the transfer is made.

(2) The transfer authority provided under this section is in addition to any other transfer authority available to the Department of Defense.

(e) MONTHLY REPORT.—The Secretary of Defense shall submit to the congressional defense committees each month a report on the use of funds authorized to be appropriated under this section. The report for a month shall include in a separate display for each of Iraq and Aghanistan, the activity for which the funds were used, the purpose for which the funds were used, the source of the funds used to carry out that activity, and the account to which those expenditures were charged.

Mr. WARNER. Quickly, our colleagues are pretty well familiar with this, but I will take a short few moments to address it.

When the administration presented its budget request for fiscal year 2005 in February, the request did not include funding for costs associated with the ongoing global war on terrorism. This is in keeping with longstanding tradition of funding ongoing military operations through supplemental appropriations. At that time, the administration stated that it expected to request a supplemental to cover these costs, after the start of calendar year 2005. Prior to the passage of a supplemental, the administration planned to cover the cost of the war with funds from other military accounts—a process commonly called ''cash flowing.'' Administration officials stated in February and March that ''cash flowing'' ongoing military operations presented acceptable and manageable risk.

On May 5, President Bush announced his intention to request a $25 billion contingent reserve fund for fiscal year 2005 for United States military operations in Iraq and Afghanistan. The President stated that, ''While we do not know the precise costs for operations next year, recent developments on the ground and increased demands on our troops indicate the need to plan for contingencies. We must make sure there is no disruption in funding and resources for our troops.'' In my judgment, this is a prudent course of action, and it has my strongest support.

It is important to note that, even with this reserve fund, the administration will still request a full fiscal year 2005 supplemental after the first of the year, when it can better estimate the costs of the ongoing war on terror.

When the President made his announcement 3 weeks ago, the committee was in the process of marking up the fiscal year 2005 national defense authorization bill. At the request of Senator BYRD, the committee deferred action on this request for additional funding until we could hold a hearing to receive more information on this request.

On Thursday, May 13, the committee held a hearing on the administration's amended budget request. Committee staff then met with administration and Defense Department officials to address concerns raised by committee members during that hearing. After careful study of the administration's request and consultation on both sides of the aisle, the committee supports inclusion of a $25 billion reserve, with some additional restrictions and reporting requirements.

As proposed by the administration, this contingency reserve fund would essentially have been a $25 billion transfer account. Many members expressed concern over this in our hearing. As drafted, the amendment requires that $22 billion of the fund be spent on specific accounts. Only $3 billion would be in the form of a transfer account which could be spent only after prior consultation and notification.

Increased demands on our troops, particularly in Iraq, have led to concerns that additional funding may be needed prior to the start of calendar year 2005, thus the need for contingency funding. As proposed, the contingent emergency reserve fund would act as a ''bridge'' between the fiscal year 2005 budget request and the fiscal year 2005 supplemental expected in February 2005.

Without a contingent reserve fund, to mitigate the risks, the department may be forced to ''cash flow'' ongoing operations with other funding sources until supplemental funds are appropriated, which could be well into the second quarter of fiscal year 2005. Ongoing procurement programs, modernization efforts, and even training could be adversely affected from having to pay up front for ongoing military operations in Iraq and Afghanistan.

I agree with the President that our first commitment must be to America's security and that our troops ''have the resources they need, when they need them.''

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me commend my good friend, the chairman of our committee, for this amendment. This amendment is very much needed, first of all. We know we are going to need these funds for the operations we are planning in the next fiscal year.

The budget that was submitted to us in January did not have the extra funding which we knew would be required because of our operations in Iraq and Afghanistan. Many Members pointed that out. Indeed, I wrote a letter to the Budget Committee on February 24th pointing out the budget request for Defense represented a reasonable estimate of the cost for supporting the normal operations of the activities, but that the request does not include any request to support the incremental costs of our military forces for continuing operations in Iraq and Afghanistan.

At that point, the administration indicated it would not seek any additional funds, supplementally, to pay for these incremental costs this calendar year. It was their intention at that time to wait until the next calendar year to do that. I, and many others here, thought that was not a responsible way to budget. There was a political tone to it because it delayed paying the piper for the costs of this war until after the election, and there was no point in being that disingenuous about what we all know is going to be required.

I very much support—and I think every Member of this body supports—paying for the needs of our troops, regardless of what one's position is as to how we got to Iraq, how we are doing in Iraq, whether we ought to be doing things differently in Iraq. Regardless of the difference of position of Members of this body on those subjects, when it comes to the support of the operations of our forces and their pay and benefits and needs, I think there is overwhelming if not total unanimous support for funding those troops.

The recent approval by the Department of Defense of increased force levels in Iraq has made this need even more urgent. Even before the Department approved the additional 30,000 troops, approximately, for Iraq, there was an acknowledgement by the uniformed military leaders that the additional costs of ongoing operations in Iraq and Afghanistan are approximately $4 billion to $5 billion per month. So there was no reason, in terms of sound budgeting, for us to hide that fact from the American people.

Just to give one example of that, a recent headline, which perhaps says the whole thing, from the May 5 Washington Post read: ''138,000 Troops to Stay in Iraq Through 2005.'' Well, that kind of says it all. We need this supplemental because we know there is going to be that many troops—more than planned at the time this budget was submitted to us—staying in Iraq through 2005.

The fact that we do not know the exact, precise amount for the operations in Iraq and Afghanistan is not an excuse to do nothing. Of course we do not know precisely the cost, but we know approximately the cost from our experience there. We have estimates of these costs from our uniformed and civilian leadership now that the civilian leadership is committed to this course of action.

One thing we do know for certain: We know, for certain, the amount in the

President's budget—which was zero—is the wrong number. We don't know whether the right number is going to be $4.8 billion or $4.9 billion per month, but we know the approximate number, and we know what is $4 billion to $5 billion short per month, which is what the President's budget was.

Both the House and the Senate, in their budget resolutions, advanced the ball on this issue. The Senate made $30 billion available on a contingent basis if the President requested the additional funds, as he now has. That was intended to be approximately half the year so we would not have to use funds forward from accounts early in the year, leaving those accounts short later in the year.

It was my belief that if we added just 6 months of what we knew would be the supplemental amount needed, that would be enough for us to then, early next year, adopt a supplemental appropriations bill for the balance. The amendment that Senator WARNER and I and Senator STEVENS are now offering authorizes the level requested by the President, which is $25 billion, which is within the Senate-passed level of $30 billion.

Again, we know this money is not going to be enough to cover all of fiscal year 2005, but it will cover at least, we expect, October 1—the beginning of the fiscal year—through January 31. Since Congress is scheduled to be out of session during that entire period, we would not be in a good position to act then. We are in a position to act now, and we should do so.

The budget request from the President was really a blank check. We have amended it, changed it, modified it in many ways. First of all, it is more detailed. We assign money from two various accounts, such as operation and maintenance, such as personnel.

The amendment we are offering also does not allow the administration to move money around as it wanted to with total flexibility. We have put limits on their ability to move money within that account, as we should in terms of carrying out our responsibility as the appropriating and authorizing body.

This amendment is more structured, more stringent and, I believe, more responsible from a legislative point of view than was the proposal that was given to us by the administration. We allocate the $25 billion: $14 billion, for instance, for operation and maintenance armor, which is the biggest chunk of money needed. And everybody acknowledged that was the biggest chunk. But the administration proposal provided that after we listed all these allocations between Army, Navy, Marine Corps, Air Force, and so forth, that—and this is what their proposal read:

In addition to the transfers authorized in the previous proviso, after consultation with the director of Office of Management and Budget, the Secretary of Defense may transfer the funds provided herein to any appropriation or fund of the Department of Defense or classified program.

So after looking as though it was allocating the $25 billion to various accounts, the language which was submitted to us, which we are now deleting, would have in effect given the administration and the Department of Defense a blank check because it said, in addition to the numbers enumerated, they can, after consulting with themselves—that is, the Department of Defense consulting with the OMB Director—move the funds provided to any appropriation or fund of the Department of Defense.

Again, that was the definition of the blank check. We have eliminated that language from the proposal that was submitted to us by the administration. It was the responsible thing to do.

Our amendment basically reflected the same numbers that the administration proposed. For instance, the Army's operating funds, which were the primary reason that we need these funds this year, are now guaranteed, if we can, of course, get this passed in the Senate, get it passed in the House, signed by the President. This will be guaranteed to the Army for their operating cost this year. That will avoid some of the real problems which we would have had otherwise in spending next year's money this year, borrowing huge amounts of money, disrupting normal activities in the Army and the other services in order to cash-flow expenditures.

If we did not provide more funding when needed, there would have been a very real chance that the Army, possibly the Marine Corps Special Operations Command, could be out of funds by the time the Congress would be ready to act next February.

So this is the right thing to do, to act now for our men and women in Iraq and Afghanistan who need and deserve the support, for those serving in the United States and in other locations around the world from whose budgets funds would have been borrowed to provide the support if we do not act.

Finally, the Secretary of Defense is now authorized the additional 30,000 extra Army personnel. What this budget does is to recognize that fact. It was appropriate that the administration acknowledged that those troops were going to remain in Iraq. That is a fact of life. And that being a given—that is the reality—it seems to me we are now carrying out our responsibility to our troops by reflecting that reality with the funds that we are hereby authorizing this year and not simply delaying until next year when a number of undesirable effects could have been felt and surely should be avoided. Our troops deserve a lot better than our stealing from next year's funds to pay their costs this year, when we should be budgeting this year for this year's cost. That is precisely what we are doing now.

I thank particularly our uniformed leadership. General Abizaid appeared in front of us. He was very direct when we asked him what the additional funding needs were. He indicated that, after accounting for the extra approximately 20,000 troops then, he expected the monthly rate of spending to be even higher than it had been up until then.

And it is because we were able to get such testimony from our uniform leadership that I think that spurred us on and encouraged us to insist that we be responsible in the authorizing bill this year rather than simply saying, well, we will steal from next year's funds and take up a supplemental next year. We are going to need the money. This isn't the final answer. It is the first installment. Again, I emphasize this is just the first 5 or 6 months. There is going to have to be a supplemental next year. But we will be able to pass that when we come back in the beginning of next year and not force our services to steal from future funding in order to pay for the needs that are going to exist at the end of this year.

So it is a foreseeable problem. We are acting now to avoid it. It is the responsible way for this body to act. I commend Senator WARNER, again, for his leadership on this amendment, Senator STEVENS, and the willingness to put this together on a bipartisan basis.

I ask unanimous consent that a letter I wrote to Senators NICKLES and CONRAD be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR DON AND KENT: In accordance with your request, I am forwarding my recommendations for the fiscal year 2005 budget resolution.

I believe that the President's defense budget request for $420.7 billion represents a reasonable estimate of the cost of supporting the normal operations of the activities within the national defense budget function for fiscal year 2005. However, this request does not include any request to support the incremental costs that our military forces will incur in continuing operations in Iraq or Afghanistan. Administration officials have further indicated that they do not intend to seek any funds for a supplemental to pay for these incremental costs this calendar year.

There are a number of potential military personnel benefits issues that we will need to address in the authorization and appropriations process to accommodate a number of concerns. I believe, however, that having a budget resolution total the same as that requested by the President should provide sufficient funding to address these issues.

What it will not permit us to do is address the costs of the ongoing war in a responsible manner. We should provide for those costs that we can reasonably predict our forces will incur. We should not force our armed forces to rob from existing requirements to pay for these operations on a ''cash flow'' basis.

Our nation's armed forces have been heavily stressed again this year in supporting the war on terrorism and supporting operations in Iraq and Afghanistan. To that end, Congress provided an extra $65 billion to support these operations during the current fiscal year. There are concerns about whether these funds will even be sufficient to cover all of the incremental costs of the war until the end of fiscal year 2004. We should not be counting on excess carry-over funding from

this previous supplemental to provide sufficient funding to address these problems in fiscal year 2005 until a mid-year supplemental can be enacted.

At hearings before the Senate Armed Services Committee earlier this month, three of the chiefs of staff of the Armed Services expressed concern about waiting until after the end of calendar year 2004 to submit a supplemental budget request. I believe that we should listen to those concerns. We should not wait until some time during fiscal year 2005 to submit a supplemental budget request as the Administration did last year. Circumstances are different this year. Last year, the war had not begun. Now, having U.S. troops on the ground is a fact and recognizing this reality and paying for it is the responsible thing to do.

While it is certainly true that no one can predict with precision what these fiscal year 2005 costs will be, we could certainly provide funds to cover likely requirements for some period of the year. This would allow the Administration an opportunity to submit a supplemental request to cover the balance of these costs and for Congress to review and act on.

I suggest increasing the budget authority in the national defense function by $30 billion in fiscal year 2005, specifically to cover up to six months of the incremental costs, at the current pace of operations, of the ongoing operations in Iraq and Afghanistan. It is the responsible thing to do for our troops and for budget accuracy.

Sincerely,

CARL LEVIN,
Ranking Member.

Mr. LEVIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have come to the Senate floor to support the amendment offered by my good friend, the chairman of the Armed Services Committee, Senator WARNER from Virginia.

This amendment will authorize appropriations for a $25 billion contingent emergency reserve fund. It is an amendment I am proud to support. It is not often, I might add, that the chairman of the Defense Appropriations Subcommittee comes to the floor of the Senate to support an amendment from the chairman of the Armed Services Committee, but maybe we will set a new trend this year and I will welcome his support when we get to the floor.

But, in any event, this amendment is in direct support of our ongoing military operations in Iraq and Afghanistan, and it is limited to that. It should be adopted. It covers emergency concepts in Afghanistan and Iraq.

It is important that the Congress act on the President's request for this reserve fund. It will ensure that our men and women in uniform continue to have the resources they need. We have worked very hard to make certain that was the case in the past. This serves as a clear, unambiguous signal that while our troops are deployed and in harm's way, they will have the unequivocal and unwavering support of the Congress.

I believe it is important to support the President's request. It is a different type of concept. I want to be sure Members understand. It is not a blank check. It is one that is well defined, in a request that came to the Armed Services Committee and to the Appropriations Committee. The Armed Services Committee held a hearing on this issue with both civilian and military witnesses from the Department of Defense and the Deputy Director of the Office of Management and Budget, and the chairman is commended for holding that hearing. The bill now before us is the result of the Armed Services Committee's consideration.

This morning, the Defense Appropriations Subcommittee also held a hearing to fully consider the President's request for this contingency emergency reserve fund. I was pleased to point out to our committee that this is a continuation of what we call the IFF that we created before both in 2003 and 2004.

This amendment is for the 2005 appropriations. We intend to include some form of a reserve fund as part of our fiscal year 2005 Defense appropriations bill. Although this has come as a supplemental request, we will add it to the 2005 appropriations bill, and our subcommittee has agreed to that, in effect, this morning.

The exact form of the reserve fund is being reviewed by our Appropriations Subcommittee on Defense, but I assure the Senate that our Appropriations subcommittee will provide our armed services the funds they need, as requested by the President. Second, we will provide adequate and reasonable financial flexibility. Third, we will provide for full and fair congressional oversight.

We have developed, I believe, bipartisan support for this request of the President's this morning in our hearing before the Appropriations Committee. Certainly, the developments on the ground in Iraq make it plain that there is an absolute need to plan for contingencies. Our military commanders have prudent operational plans, but they must be prepared to respond to the dynamic events that are going forward now in Iraq. We can expect nothing less of our military leadership, and the Congress must give them the tools they need. This reserve fund will do that. It is a fund that is available for emergencies. They have funds available for the predictable needs of the military. These funds are for the unpredictable needs of the military over the period beginning in 2005.

The troops that are there are doing hard work. They must not find that fiscal issues might impede their doing the job they have to do in Iraq at this time. They should not be constrained in any way by the availability of money. The last thing I—and I believe all Senators—would want would be for an operational commander to be concerned about whether there is enough money to do the job he has to do in an emergency.

This is an emergency fund. It does not mean they can add to the money they have automatically through regular appropriations without finding first—and the President must find—that there is an emergency for this money to be released. But it will be there. It will be a means where the President, on request, can notify the Congress with 5 days' notice that he intends to put some of this money to work.

I pointed out to our committee this morning, there have been 33 times that IFS funds have been released by the Department of Defense before on request of the President. Now we must provide this same kind of contingency emergency reserve fund because the alternatives available are too risky. The alternative would be we would have to meet and pass a separate bill, another supplemental. We want the reserve fund to be there for emergencies that could occur. I point out to the Senate, it may be that we would be out of session during that period. I hope we are out of session after the election. I have to stop and say that. I do think the concepts of the past, whereby the President has used the food and forage concept to dip into funds that were available for training for the next year or dip into funds for procurement, the President has that power. He can go to any fund that is available to meet an emergency.

This is to foresee that, to foresee the interruption of plan development, plan utilization of our forces, training of forces in order to get moneys for an emergency.

That practice should be avoided. I don't say it is wrong, but to borrow money from the third and fourth quarters to pay for urgent bills of the first and second quarters is not the way to do business. We set up a fund and say, if there is an emergency, tell us what you are going to use the money for and use it, unless we say no.

I applaud the decision of the President to ask for these resources now. I am one who went to the President and the administration and asked them not to send a supplemental for 2005 because I believe we should not have that until the first quarter of the next year. We thought we had enough money to go through this calendar year, but because of the turn of events in Iraq, that is not the case. The President decided the option of waiting was too risky, and he has asked us to provide this fund as a reserve fund. The President made the right choice. It was not an easy decision.

The people who have reviewed this so far in both committees, Armed Services and Appropriations, have agreed that the armed services need this flexibility to have funds available in an emergency and for use only in Afghanistan and Iraq. It is a good concept. I applaud the Senator from Virginia in offering the amendment, and I urge the Senate to adopt his amendment.

I yield the floor.

Mr. WARNER. Mr. President, I thank the distinguished chairman of the Appropriations Committee and his colleagues for supporting this issue. As he most eloquently stated, the purpose is clear. It is to avoid the repetition of the past where we have gone into the forage fund to meet contingencies. We know they exist today. It is best we face up to it and put it on record.

Mr. LEVIN. Mr. President, while the Senator from Alaska is in the Chamber, I thank the Senator for his work on the Appropriations Committee relative to this subject. As I indicated, I think the testimony before his committee indicated—I believe this morning—that we know it is about $4.7 billion or $4.8 billion at the current level of spending that we will need above what was in the budgeted amount. This provides that additional funding. It is the responsible thing to do. It has strong support on this side of the aisle as well as his. That is the way it should be when we have men and women in harm's way.

AMENDMENT NO. 3258

Mr. WARNER. Mr. President, I thank my distinguished colleague. At this time, I suggest that we go off of the Warner amendment, which I ask be laid aside, and return to the pending amendment by the Senator from South Carolina, at which time I think a number of colleagues are anxious to address the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I rise in opposition to the amendment offered by my friend Senator GRAHAM of South Carolina, the so-called TRICARE amendment offered by himself and Senator DASCHLE. I have great respect for both Senator GRAHAM and Senator DASCHLE. I just oppose their amendment.

The amendment is very expensive. Their amendment costs billions and billions of dollars. Their amendment, in my opinion, is a serious mistake. I can see where people would say: I want to vote for it. I want to show my support for the National Guard.

I also want to show my support for the National Guard, but we do show our support for the National Guard in this bill. We take care of their health care. If they go on active duty, we take care of their health care. That is a Government expense. They don't have copays. We take care of them.

In fact, when they sign up and go into active duty, we take care of them. But this is when they are on inactive status, when they basically show up for 2 days a month.

I used to be in the Guard. I also used to be in the private sector. I was in the private sector during the month, for 28 or 29 days of the month, and then in the National Guard for 2 days of the month. I think the primary responsibility for health care should be on the employer for the 28 or 29 days of the month, not on the Government because somebody served for 2 days in a month.

Incidentally, if you are on Guard duty and you are injured, they are going to take care of you. If you are climbing hills, or practicing at a gunfiring range, and you are injured, you will be taken care of. If you are on 2-week duty during the summer and you have an injury, they are going to take care of that. Those expenses are covered.

So, basically, do we want to take care of an individual who happens to be in the Guard or Reserve and pay for their health care throughout the year for thousands of dollars?

TRICARE costs $7,000 or $8,000 for a family. Should that be the Federal Government's responsibility if an individual is serving only 2 days a month? Under the pending amendment, it would be the Federal Government's responsibility.

Eighty-some percent of Guard and Reserve members have health care. So this would be a great motivation for people who may be in the private sector to say: Since you are in the Guard or Reserve, we don't have to pay for you. Thank you very much, the Government will pay for yours—even though you work for this company or this organization for 28 days a month and you work for the Government 2 days a month. Why should the Federal Government pick up 100 percent of that cost?

Then when you have the transfer from the private sector health care coverage to the public, wow, it gets expensive. The cost was already mentioned. I think CBO estimated it at almost—I have one cost at $696 million for 2005, and $5.7 billion for 5 years, and $14.2 billion over 10 years. So it adds to the bill. It either adds to the deficit or it crowds out other defense spending. That other defense spending might be replacement munitions or body armor or new technology for night vision—who knows. It is saying we want to take care of these individuals' health care even when they are in inactive status. That is a mistake.

Senator WARNER's bill takes care of them when they are activated. They are given physicals. We pay 100 percent of it. We take care of our Active-Duty men and women. If they are activated, we should take care of them. I believe Senator WARNER's bill takes care of them for several months after Active-Duty status.

To say we want a new Federal entitlement saying if you sign up for the Guard or Reserve, we are going to pay up to 72 percent of an individual and their family's health care cost, at a cost estimated to be $7,700 in benefits under the TRICARE program, with individuals paying 28 percent, this gets real expensive. It spends billions and billions of dollars. It would be transferring money. This money has to be appropriated. Defense is only going to get so much money. I am afraid we will be crowding out some of the money needed to protect our men and women in the field. We protect our men and women in the field who are on active duty. We give them the best quality health care we can. They don't have to pay anything.

I don't believe the Federal Government should pay for an individual and/or their families' health care cost for a month because they do 2 days a month of Guard duty.

I think it is a serious mistake, especially when the private sector already provides it for over 80 percent of those individuals. You may be able to score political points, but this is not money well spent. We should use our money to maximize our defense capabilities. This will spend a lot of money, saying let's have the Federal Government pay for the health care cost of Guard and Reserves, instead of having the private sector pay for it, even though they work for the private sector 90 percent of the time during that month. I don't think we can afford it.

I urge my colleagues to vote in opposition to the so-called TRICARE amendment at 3:45.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield to our distinguished colleague from Alabama such time as he may require, to be followed by our distinguished colleague from Oklahoma, with the understanding that the vote will commence, as described under the standing order, at 3:45.

The PRESIDING OFFICER. The Senator controls 5½ minutes in opposition. The Senator from Alabama is recognized.

Mr. WARNER. Mr. President, I will seek additional time for my colleagues if that becomes necessary.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I join with the chairman of the Armed Services Committee, Senator WARNER, in his concern over this TRICARE amendment for our Guard and Reserve. I had 10 years in the Army Reserve. My chief of staff is a retired lieutenant colonel. We have discussed these issues a lot—what we can do to help our Guard and Reserve. But a $14 billion expenditure over 10 years for this one project is not the best way to spend $14 billion to help the Guard and Reserve.

I have met with top generals in command of our Guard and Reserve. As a member of the Armed Services Committee, and as a person who cares about improving the quality of life of our superb Guard and Reserve members, I care about it deeply. I want to make their lives better. I want to make serving through retirement and beyond minimum retirement time attractive for them. I want their lives to be happy and as fulfilling as possible. We need to reward them financially in every way we possibly can.

To take $14 billion and in effect have it spent for a lot of people who already

have good health care insurance is not a smart way to do it. It is not the right way.

I have asked the leadership of the Guard and Reserve and the Department of Defense to help us develop a package of bills that will be beneficial to a broad-based number of our Guard and Reserve. They do terrific work.

When I was in the 1184th in Mobile, our drills and work got tougher and tougher every single year. More was demanded. That is why they are so excellent in performance today.

I really believe in what they do. The skill level is higher than it has ever been. The training is better than it has ever been. They are better equipped than they have ever been. They are performing better in difficult situations than we have ever seen before, and I am proud of them, but this is not the best way to go about this.

I know there is a concern about this issue. I believe we can address it. I believe the chairman has come up with a way we can address this issue. That is what we need to do.

Let's listen to that. Let's not commit the funds for this one particular problem for 20 percent of the Guard and Reserve, those who do not have insurance today, and drain this large sum of money we could use in another fashion.

I thank the chairman for his leadership, and I give my support for the $25 billion supplemental. I believe it is the right thing to do. It will allow our Defense Department to proceed. It will make sure our equipment that has been damaged in the course of this is repaired and maintained.

I yield the floor.

Mr. WARNER. I thank my colleague from Alabama, as well as the senior Senator from Oklahoma, and now I am privileged to have the wisdom of the junior Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I appreciate the time.

I think one thing the last three speakers, including myself, have in common is no one has been more highly supportive of the Guard and the Reserve than Senator NICKLES, Senator SESSIONS, and myself. In fact, I daresay I probably have spent more time talking about the dilemma of the Reserve component in all of the deployments as we continue this, and the reason we are having to do it is because we are, of course, at war.

During the 1990s, we saw what happened to the military. It went down and consequently we had an end-strength problem. We are now talking about maybe 30,000 more troops and we are going to have to do something to help the Reserve component. Most of these people are gainfully employed. They have occupations. We cannot expect them to continuously be deployed while at the same time the employer is letting them go. That is the whole idea of a Reserve component.

So although I oppose this amendment, I have to qualify it by saying how much I have always supported the Guard and the Reserve. I think all members of the Guard and Reserve, certainly in my State of Oklahoma, are aware of that.

I just returned from Afghanistan where the 45th is stationed. They are doing a great job training the ANA to fight their own battles. They are doing a tremendous job. The problem is this does not have to happen in a vacuum. If it happened in a vacuum and we were able to give them full-time TRICARE, I would vote to do it in spite of the fact there would be, as my senior Senator from Oklahoma stated, many people who would go ahead and drop their coverage, saying the Government already supplies it, and that would be a problem.

They talk about the costs being $11 billion, $12 billion, and as high as $18 billion. That is because we have yet to have any kind of a study to see how many people are out there who already have coverage or how many people are out there who actually would want to even have this coverage.

Our chairman and our committee did a great job—it has not been said on the floor enough—because in this area of TRICARE, 90 days prior to deployment they have coverage. For 6 months after coming back, they have coverage. So it is not something we have not already looked at and decided to be very fair. I think we have a good compromise that is in the mark that is up for consideration on the floor today.

I say to my good friend from South Carolina, he has another amendment that frankly I am very much for. It is one having to do with the movement of nuclear waste. I think he is dead right on it. That was a good policy until the National Resource Defense Council came in and filed a lawsuit against the DOE. Before then, everything was going fine. This would rectify that problem. This amendment is being offered by Senator GRAHAM of South Carolina. I am a strong supporter of that particular amendment, but on this amendment one cannot assume this is going to happen and it is going to come out of nowhere.

We have to come up with $11 billion, $12 billion, $14 billion, or $18 billion somewhere. It has to come out of Defense. This is the problem we have. I served as the chairman of the Readiness Subcommittee all during the 1990s, and I saw what was happening to our military, knowing one day this day would come and we would have to make some decisions regarding end strength, modernization, and all of the other programs that are bleeding today.

Now if the Senator from South Carolina wants that money to come out of the MOX, mixed oxide, fuel facility in South Carolina, $368 million is authorized in this bill, maybe he feels strongly enough about it he would like to do that, or the waste incidental to reprocessing the WIR program, $350 million. These programs I am sure are worthwhile, but the money has to come from somewhere.

My fear is it will come out of the modernization account, and right now I think we all know some of our potential enemies and adversaries out in the field are better equipped than we are. We have to correct this thing. So the money has to come out of somewhere. It is going to have to come out of some of the Defense accounts.

I feel sorry for our chairman, Senator WARNER, who is going to have to lead us in making some decisions on where to make cuts if this amendment passes. It is very serious.

Again, there is no stronger supporter of the Guard and Reserve than I am, but this is something that is more money spent and not directed properly and it has to come out of some place where we have a very serious problem. There is nothing free in this bill. I do not know of any Guard and Reserve members from my State of Oklahoma who have talked to me about this and have offered places it should come out of or even called me up to support it.

It is an amendment that is going to have to be defeated. We need to save all the money we can in order to keep our current authorization program. There is nothing we can cut, that I can think of right now, that would be appropriate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask the distinguished chairman if I might have 30 seconds.

Mr. WARNER. First, I thank my distinguished colleague from Oklahoma, as well as those we have just spoken. These are individuals who, like me, have first and foremost in their hearts the welfare of the men and women of the Armed Forces in every possible way, but we must also bear in mind the fiscal realities with which we are confronted, the equities between the balance of benefits to the Active Duty and Reserve and the Guard and the need at this time.

It is available should anyone want it, but it has to be on a shared-cost basis with the taxpayers of the United States.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, there are 7 minutes remaining under the control of the proponents of the amendment. Who yields time?

Mr. WARNER. I suggest the distinguished Senator from Vermont be given such time as he may consume.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM of South Carolina. I would like a couple of minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I will be very brief so the Senator from South Carolina can speak.

Mr. President, I agree with the distinguished chairman of the Armed

Services Committee. As he knows, I came from the funeral of a Guard member in Vermont, and I might say to my distinguished friend, the senior Senator from Virginia, the widow of this Guard member was very touched by a message the distinguished Senator from Virginia had expressed to her via me, and I appreciate that. It was his typical generosity of spirit to do so. It tells me in the war on terror, our Guard and Reserves are a 21st century fighting force, but they have a 20th century health insurance, and this partnership with Senator GRAHAM of Florida, Senator DASCHLE, Senator CLINTON, and others has been very good. I hope it will help.

For the past 2 years, we have worked to expand the availability of health insurance to members of the 800,000-person National Guard and Reserve. It is squarely and strongly in our national interest, as well as in the interests of our Guard and Reserve soldiers and their families, to ensure that this force is strong, that our citizen-soldiers are healthy, and that these proud men and women know that there is an extensive benefit network to reward them for their sacrifice.

Two years ago, a GAO study found that almost 20 percent of the reserves, more than 150,000 citizen-soldiers, do not have access to adequate health insurance when they are on drilling status. The bulk of the uninsured reside in the lower ranks, and the study reported that almost 40 percent of the enlisted force in uninsured. In other words, many of the men and women who are prepared to leave their full-time jobs and their families at a moment's notice have no assurance of having access to basic health insurance.

Our Guard and the Reserves are doing more for us than ever before, both at home and abroad. In fairness to them and their families, and in the interest of military readiness, these health care upgrades should be a high priority.

Last year, I was pleased to be part of a bipartisan coalition that worked and succeeded in enacting a strong program to allow members of the Guard and Reserve, who are unemployed or do not have access to health insurance through their employers, to be able to buy into the military's TRICARE program on a cost-share basis. This program guaranteed that every member of the Guard and Reserve would have insurance access from some source, whether from their employers or through the military.

It was surprising and disappointing to me that the administration opposed this program last year, going so far as to threaten a veto of the Defense bill. I am even more disappointed that the Department of Defense has still yet to put the TRICARE buy-in program for reservists in place. That sends a terrible signal to the members of the Guard and Reserve who comprise a substantial portion of our forces deployed abroad and who stand ready to face other national emergencies as they arise. We need to get this program going and to expand it even further, and without needless delay.

This amendment will open up the TRICARE cost-share program to every member of the National Guard and Reserve, providing an affordable source of insurance to every reservist. The amendment also allows the families of activated reservists to maintain their civilian health insurance, which will reduce some of the invariable turbulence from deployments.

This amendment mirrors almost exactly what passed out of the Senate 87 to 10 last year. Since then, the Guard and Reserve have been tapped even more heavily to carry out the military occupations in Iraq and Afghanistan.

I urge the Senate to vote in favor of this critical readiness initiative.

I yield the floor.

Mr. WARNER. Mr. President, I wonder if I might be allowed one-quarter minute to reply to my colleague from Vermont?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. My colleague very kindly referred to our conversation earlier today when he, as every Member of this Chamber, has taken time to attend funerals in their respective States for those who lost their lives in the conflicts now ongoing, principally in Afghanistan and Iraq.

I mentioned to him a soldier's grave at the Battle of Normandy. It was a British soldier, and he was killed in the invasion. As custom in the British military, the families may put a brief inscription on the tombstones. On this tombstone is the phrase:

To the world he was known but as one. To his family he was known as the world.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the proponents of the amendment have 4½ minutes remaining. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, following those eloquent words of the chairman, this is not about who cares about our military; we all do. This is about priorities and what we are going to do when we say we care.

The law of the country is such that, if you are a part-time Federal employee working 16 hours, you are eligible for Federal Government health care. If you are a part-time citizen soldier training to defend your country, answering calls for hurricanes and natural disasters in your State and providing homeland security, you get zero. We need to fix that.

The committee bill puts a proposal on the table that goes as follows: The guardsmen and reservists pay some; the employer pays the other 72 percent. Your Government doesn't contribute 1 penny to the health care needs of the Guard and Reserve community. Mr. President, 25 percent of the Guard and Reserve called to go on active duty can't go because of their lack of health care. We need to invest in their health care because they are keeping us free.

Medicare has a $400 billion prescription drug benefit that has just been passed. I voted no because I am worried about the explosive cost to the future and our grandchildren not being able to afford it. I got outvoted. It is a program that is in existence. You can sign up for a discount card today. You ought to look into it.

We gave $20 billion to the Iraqi people who are sitting on $1 trillion worth of oil and we are not asking for 1 penny back in payment. We are going to build schools, roads, highways; we are going to spend $25 billion—more, probably, before the day is over—supporting our troops to support Iraq.

Our bill allows Guard and Reserve families and Guard and Reserve members to be part of the military health care system year round. When they are not called to active duty they have to pay a premium of $1,800 a year for their family, just like a part-time Federal employee. People in Iraq are not paying anything back. It is a total gift.

Mr. President, $400 billion to provide discounts for every senior in America—$400 billion. This costs $1 billion a year for 300,000 families. There are bills in this Senate and this House where one bridge costs more than the health care program needs of 300,000 families.

I will take a backseat to no one about trying to save taxpayer dollars. I would argue, if the taxpayers could be here today and if they could vote to spend this $1 billion to make sure the citizen soldier is treated as every other part-time Federal employee, they would say: Here is my wallet, take what you need. This idea we can't afford it is bogus.

Mr. NICKLES. Will the Senator yield?

Mr. GRAHAM of South Carolina. Absolutely.

Mr. NICKLES. Is there any job in the Federal Government where an individual would work 2 days a month and receive $7,000 or $5,000 worth of benefits in health care?

Mr. GRAHAM of South Carolina. The way the program works, you can be a temporary employee working 16 hours, work a year, then get health care, and you pay a premium. If you work 16 hours a week, you can get full-time health care benefits paying a premium. What a Guard member does, he works 2 days a month, 2 weeks a year, and 40 percent of the people in Afghanistan and Iraq come out of that pool. Now they are getting killed. It is not an average, everyday part-time job. The people who are left behind, the families, take a pay cut. The average Guard and Reserve member, when they get called to active duty their pay goes down, but they don't complain. They go, I say with all due respect.

Mr. NICKLES. Will the Senator yield for additional question?

Mr. GRAHAM of South Carolina. Yes.

Mr. NICKLES. If somebody is activated and they go to Afghanistan or Iraq, don't they receive full health care costs without paying the 28 percent?

Mr. GRAHAM of South Carolina. They do, and when they come back home because of what we did last year they get health care for 6 months. But after that 6 months, 25 percent of them go back into the civilian world where they have no health care, zero. That is not right. That is not like every other Federal employee who is part-time. That is not right and we cannot afford to let that continue to happen because we are going to be needing these men and women more than ever. Their families are stressed. This is a chance to spend a little bit of money on people who are giving everything, including their lives and their limbs.

Mr. STEVENS. Mr. President, I rise today to discuss the Daschle amendment which would provide TRICARE benefits for reservists and their family members while in a non-active status, and direct the DoD to pay private insurance premiums for reservists when ordered to active duty. Under the Graham/Daschle proposal, if enrolled in TRICARE, Reserve members would pay 28 percent of the annual premium and the Department of Defense would pay the remaining 72 percent.

The benefit is cost prohibitive. CBO recently estimated the benefit would cost $700 million in fiscal year 2005, $5.7 billion over 5 years; and $14.2 billion over 10 years.

The Department of Defense estimates are much higher, at $1.9 billion in fiscal year 2005 and $11.6 billion over 5 years.—About $2 billion a year.

In future years, this enhanced benefit will carve out essential funding that DoD needs to maintain readiness, meet procurement needs, transform the Armed Forces and continue the Global War on Terrorism.

The Senate is already making significant investment in our Guard and Reserve forces. In the fiscal year 2004 Defense Appropriation bill, we provided: $15.1 billion for pay and allowances, $14.3 billion in Operation and Maintenance funding for training, education and support, and about $2.5 billion for National Guard and Reserve Equipment—in total, an investment of about $31.9 billion for the Guard and Reserve.

A substantial portion of this investment is within the active component accounts for equipment and weapons that go directly to our Guard and Reserve forces. These items include: HUMMWVs, LITENING Targeting Pods for Aircraft, Construction Equipment, Heavy Trucks, and Large Aircraft Infrared Countermeasures to defeat shoulder fired missiles—LAIRCM.

If the proposed amendment is adopted, there should be great concern that this enhanced entitlement program will come at the expense of other Guard and Reserve requirements for training and equipping the force.

The chairman's bill already offers several permanent provisions to enhance the medical readiness and ensure continuity of care for reserve members and their families, including a provision that provides the opportunity for Reserve members and their employers to participate in TRICARE while the member is in a non-active duty status—a cost shared by the Reserve member and his or her employer.

The chairman's bill also provides for a demonstration program to determine the need for, and feasibility of providing TRICARE benefits to members of the Ready Reserve who are eligible for unemployment compensation or ineligible for employer-provided health care coverage.

In a September 2003 report, GAO found that DoD data does not identify a need to offer TRICARE to reservists and their families when members are not on active duty. Many of the unknown factors include: the effect on recruiting and retention, the impact on active duty personnel, the impact on the TRICARE system and the military treatment facilities, and the number of reservists that might participate.

The proposed demonstration program and enhanced benefits included in the chairman's bill will clearly enhance the medical readiness and ensure continuity of care for reserve members and their families.

The Department of Defense and Congress should take the time to further study the appropriate level of health care benefits for our Guard and Reserve, and allow the enhanced benefits included in the chairman's bill to be implemented and studied before we commit to spending billions of dollars on a new entitlement program.

The Department is in the process of appointing an advisory committee on military compensation to review these types of issues. I believe it is prudent to conduct these studies before Congress acts on this legislation.

Due to the high cost of the proposal and because of the enhanced benefits already contained in the chairman's bill, I must urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. Under the previous order, all time for debate has expired.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. I ask unanimous consent to add the following cosponsors: Senators ALLEN, MURKOWSKI, LOTT, COLEMAN, DEWINE, LEAHY, CLINTON, LINCOLN, CORZINE, DORGAN, BINGAMAN, MURRAY, and LANDRIEU.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the vote will occur on the amendment of the Senator from South Carolina for which the yeas and nays have been ordered.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 25, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—70

Akaka	Dodd	Lieberman
Alexander	Dorgan	Lincoln
Allen	Durbin	Lugar
Bayh	Ensign	McCain
Bennett	Feingold	Mikulski
Biden	Feinstein	Murkowski
Bingaman	Fitzgerald	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Graham (SC)	Nelson (NE)
Byrd	Gregg	Pryor
Cantwell	Hagel	Reed
Carper	Harkin	Reid
Chafee	Hatch	Rockefeller
Chambliss	Hollings	Sarbanes
Clinton	Hutchison	Schumer
Coleman	Inouye	Shelby
Collins	Jeffords	Smith
Conrad	Johnson	Specter
Corzine	Kennedy	Stabenow
Craig	Kohl	Talent
Crapo	Landrieu	Voinovich
Daschle	Lautenberg	Wyden
Dayton	Leahy	
DeWine	Levin	

NAYS—25

Allard	Frist	Santorum
Bond	Grassley	Sessions
Brownback	Inhofe	Snowe
Bunning	Kyl	Stevens
Burns	Lott	Sununu
Cochran	McConnell	Thomas
Cornyn	Miller	Warner
Dole	Nickles	
Enzi	Roberts	

NOT VOTING—5

Baucus	Domenici	Kerry
Campbell	Edwards	

The amendment (No. 3258) was agreed to.

Mr. WARNER. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the vote in relation to the pending Warner-Levin-Stevens amendment occur at 6:30 tonight, with no second degrees in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WARNER. Mr. President, would the Chair advise the Senate with regard to the standing order.

The PRESIDING OFFICER. There will now be 1 hour of debate evenly divided in morning business.

The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

DEDICATION OF THE WORLD WAR II VETERANS MEMORIAL

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 369, which was submitted earlier today by myself and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 369) expressing the sense of the Senate in honoring the service of the men and women who served in the Armed Forces of the United States during World War II.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 369) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 369

Whereas during the dark days of World War II, the United States, the world, and the very future of freedom were threatened by nazism, fascism, and tyranny;

Whereas a generation of Americans stepped forward to confront this scourge, accepting the call to duty to fight the Axis Powers, to defend freedom, and to put their lives on the line so that future generations could live in peace and freedom;

Whereas during World War II, the brave men and women of the Armed Forces of the United States fought alongside allies from more than 30 other nations to vanquish the tyranny and oppression of the Axis Powers on the sea, on the land, and in the air in distant lands in every part of the globe;

Whereas more than 16,000,000 Americans served in the Armed Forces of the United States during World War II, hailing from every corner of the United States and its territories;

Whereas more than 671,000 Americans were wounded and over 105,000 Americans were held as prisoners of war in that terrible conflict;

Whereas more than 400,000 members of the Armed Forces of the United States made the ultimate sacrifice, giving their lives to defeat the evils of nazism, fascism, and tyranny, and to preserve the United States and the ideals the people of the United States hold true;

Whereas by the end of World War II, the members of the Armed Forces of the United States had become symbols of hope for the victors, the liberated peoples of the world, and their former adversaries;

Whereas the victory of the Allied Powers in World War II paved the way for the growth of democracy and freedom in the defeated nations of Germany and Japan, and laid the foundation for the West to confront, and eventually defeat, the threat of Communism;

Whereas the people of the United States can never fully express their gratitude to all the members of the Armed Services, including the ''Greatest Generation'' of World War II, who have dedicated themselves to protecting the people of the United States and to defending the ideals and principles of our great country;

Whereas 114 veterans of World War II have served in the Senate, including 6 who are currently serving: Senator Akaka of Hawaii, Senator Hollings of South Carolina, Senator Inouye of Hawaii, Senator Lautenberg of New Jersey, Senator Stevens of Alaska, and Senator Warner of Virginia; and

Whereas the Senate, on the occasion of the dedication of the World War II Memorial and the 60th Anniversary of the D-day landings in Normandy, France, is proud to honor its Members, past and present, who served in World War II: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its eternal appreciation for the veterans of the Armed Forces of the United States who fought and toiled to protect the United States and preserve the freedom and way of life of the United States during World War II;

(2) honors the brave men and women who made the ultimate sacrifice and gave their lives in defense of liberty and the United States during that global conflict; and

(3) proudly commends the 108 former Members and 6 current Members of the Senate who are veterans of World War II, including Senator Akaka, Senator Hollings, Senator Inouye, Senator Lautenberg, Senator Stevens, and Senator Warner, for their leadership and service to the United States both in war and in peace.

Mr. FRIST. Mr. President, I ask unanimous consent that following my remarks and Senator DASCHLE's remarks, Senator STEVENS be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I rise to pay tribute to the ''greatest generation''—the veterans of World War II who fought so valiantly to save the world from tyranny. This weekend, thousands of veterans from World War II gathered on The Mall to witness the dedication of a memorial to their heroism and to their sacrifice. Many of us had also the opportunity to join them after the celebration, the recognition ceremonies, with our families on that Mall in tribute to them at this wonderful memorial.

As President Bush said in his remarks to this remarkable group, ''When it mattered most, an entire generation of Americans showed the finest qualities of our Nation and of our humanity.''

It is fitting that Saturday's event was the largest gathering of surviving veterans in 60 years, and perhaps more than coincidental that the spring weather cooperated so beautifully for this truly historic day.

Nearly 60 years have passed since the ''greatest generation'' won that terrible war. It seems inevitable now that America would defeat the forces of Naziism and fascism. Our enemies were wicked and freedom was right. But as President Reagan put it so eloquently in his address on the 40th anniversary of D–Day:

For four long years, much of Europe had been under a terrible shadow. Free nations had fallen, Jews cried out in the camps, millions cried out for liberation. Europe was enslaved and the world prayed for its rescue. Here, in Normandy, the rescue began. Here the Allies stood and fought against tyranny in a giant undertaking unparalleled in human history.

Those were the words of President Reagan. Sixteen million Americans served in the Armed Forces during that great battle. They hailed from every corner of the United States, from the countryside to city streets, from high school graduation classes to suburban family homes.

Mr. President, 671,000 Americans were wounded and over 105,000 Americans were held as prisoners of war. More than 400,000 gave their lives to defend America and to preserve our freedom.

The Senate is honored to have among us men who fought in that Great War:

Senator DANIEL AKAKA of Hawaii, who served in the U.S. Army Corps of Engineers, including service on Saipan and Tinian;

Senator FRITZ HOLLINGS of South Carolina, who served in the U.S. Army as an officer in the North African and European campaigns, receiving the Bronze Star and seven campaign ribbons;

Senator DANIEL INOUYE of Hawaii, whose battlefield heroism earned him the highest award for military valor, the Medal of Honor, along with a Bronze Star, Purple Heart with a cluster, and 12 other medals and citations;

Senator FRANK LAUTENBERG of New Jersey, who enlisted in the Army Signal Corps and served in Europe;

Senator TED STEVENS of Alaska, who was a pilot in the China-Burma-India theater, for which he earned two Distinguished Flying Crosses, two Air Medals, and the Yuan Hai Medal awarded by the Republic of China;

Senator JOHN WARNER, who enlisted in the Navy in World War II and went on to fight in the Korean war in the Marine Corps. Senator WARNER served as a Marine Corps reservist for 10 years and was promoted to the rank of captain.

As newsman and author Tom Brokaw wrote in his best selling book, ''The Greatest Generation,''

They answered the call to save the world from the two most powerful and ruthless military machines ever assembled, instruments of conquest in the hands of fascist maniacs. They faced great odds and a late start, but they did not protest. They succeeded on every front. They won the war; they saved the world.

A veteran at Saturday's dedication on The Mall was asked by a reporter

how they did it. How did ordinary young men set aside their fear in the face of extraordinary odds against fierce and determined enemies? The veteran had been a machine gunner on a pair of bombers that successfully outmaneuvered 12 Japanese fighter planes. He replied simply:

There's nothing else you can do but do your best, and keep firing until the ammunition runs out.

This afternoon, we salute these extraordinary Americans who did their best and kept firing to save America. If they are the ''greatest generation,'' we are the ''grateful generation.'' Their honor, courage, and valor will never be forgotten.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, this last weekend, in the shadow of the Lincoln Memorial, our Nation dedicated a new memorial to the generation of Americans who fought and won the Second World War. One cannot help but imagine the look of respect and approval coming over the face of the great emancipator, the man who ended slavery in our country, as he looks upon a memorial to those who ended enslavement of an entire continent and gave the world a new birth of freedom.

While this honor is long overdue, we must acknowledge that no memorial, no ceremony, no words could match the scope of this generation's achievement. The true monument to their efforts exists not on the National Mall but in the hearts of the hundreds of millions in America and billions more throughout the world who live in freedom thanks to their courage. We are the children of their sacrifice. We have flourished in the Nation they came home to build. The debt we owe them is without end.

The Senate family is blessed, as the majority leader noted, to serve alongside six men who fought for their Nation in World War II:

Senator JOHN WARNER enlisted in the Navy as a 17-year-old in 1945 and later reenlisted in the Marines in the Korean war; Senator FRANK LAUTENBERG, who served so ably as an Army Signal Corps soldier in Europe; Senator DANIEL AKAKA, who served in the Army Corps of Engineers; Senator FRITZ HOLLINGS, who served as an Army officer in the North African and European campaigns, earning a Bronze Star; Senator TED STEVENS, who served in the Air Force, earned two Distinguished Flying Crosses and two Air Medals as a member of the Flying Tigers; Senator DANIEL INOUYE, who saw the smoke rising from Pearl Harbor as a 17-year-old growing up in Honolulu, and served in the Army's 442nd Regimental Combat Team, earning, among so many other high honors, the Congressional Medal of Honor, the highest award our Nation confers for valor in battle.

Whatever debt these men owe their country, their service in a time of war was paid in full. As so many of their generation, their service didn't end when they took off their uniforms. They saw this Nation and indeed humanity at its very best. They saw an effort in which every last person pitched in, every aircraft maker who made a fighter plane, every woman who worked in a factory, every farmer who grew food for our troops, every child who tended a victory garden. They saw with their own eyes the greatness that could be won when a nation of free men and free women worked together to fight for the cause of liberty.

They dedicated their lives to carrying forward that spirit and leading our Nation to still greater heights. That spirit runs throughout the careers of each of these six men, as it has for so many other World War II veterans who have served in this Chamber over the years. Each of us who have had the honor to serve with them can attest that they are distinguished not only by their service in war but by their tireless commitment to ensuring that each successive generation of Americans could enjoy the blessings our free Nation had to offer.

Thanks to their wisdom and leadership, generations of Americans have grown up in peace and prosperity and have learned that in return for their blessings, they too have a duty to give something back to their country. Nowhere is that more clear than in the service of young Americans fighting now in Iraq, whose courage echoes that of the men and women who wore the uniform of their country in generations past.

Ultimately, what we learn from their lifetime of service is the fight for freedom is never finished. If we are to repay their debt to us, we must receive the liberty they won not as a gift but as a challenge to take up their work as our own. We could do our country no greater service than to assume the spirit of unity and decency each has exemplified throughout their long careers. It is a great comfort and joy to know that should we falter or fall short, our friends are still beside us, living monuments to remind us of our duty. Their contributions to America continue undiminished, and they have the undying thanks of the Senate and the Nation it serves.

I yield the floor.

The PRESIDING OFFICER. The President pro tempore.

Mr. STEVENS. Mr. President, I am humbled to be among the Members who have been mentioned by the leaders. I ask unanimous consent that following my remarks, items 1, 2, and 3 be printed in the RECORD. Item 1 is a list of Senators known to have served in World War II. The second item is a list of the eight Senators who have received the Congressional Medal of Honor. On that list is the name of DANNY INOUYE, who was awarded the Congressional Medal of Honor. I will read once again to the Senate the citations my friend received.

Citation from the President of the United States, authorized by Act of Congress, March 3, 1863, has awarded in the name of the Congress the Medal of Honor to: Second Lieutenant Daniel K. Inouye, United States Army, for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty:

Second Lieutenant Daniel K. Inouye distinguished himself by extraordinary heroism in action on 21 April 1945, in the vicinity of San Terenzo, Italy. While attacking a defended ridge guarding an important road junction, Second Lieutenant Inouye skillfully directed his platoon through a hail of automatic weapon and small arms fire, in a swift enveloping movement that resulted in the capture of an artillery and mortar post and brought his men to within 40 yards of the hostile force. Emplaced in bunkers and rock formations, the enemy halted the advance with crossfire from three machine guns. With complete disregard for his personal safety, Second Lieutenant Inouye crawled up the treacherous slope within five yards of the nearest machine gun and hurled two grenades, destroying the emplacement. Before the enemy could retaliate, he stood up and neutralized a second machine gun nest. Although wounded by a sniper's bullet, he continued to engage other hostile positions at a close range until an exploding grenade shattered his right arm. Despite intense pain, he refused evacuation and continued to direct his platoon until enemy resistance was broken and his men were again deployed in defensive positions. In the attack, 25 enemy soldiers were killed and eight others captured. By his gallant, aggressive tactics and by his indomitable leadership, Second Lieutenant Inouye enabled his platoon to advance through formidable resistance, and was instrumental in the capture of the ridge. Second Lieutenant Inouye's extraordinary heroism and devotion to duty are in keeping with the highest traditions of the military service and reflect great credit on him, his unit, and the United States Army.

I ask unanimous consent that the third item being his citation of the Medal of Honor be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1, 2 and 3.)

Mr. STEVENS. There are few among us who deserve the honor the Senate is according us, and DANIEL K. INOUYE is the first.

EXHIBIT 1

[From the Senate Historical Office, 2004]

UNITED STATES SENATORS KNOWN TO HAVE SERVED IN WORLD WAR II

Abdnor, James (army); Akaka, Daniel (army); Allott, Gordon (army air corps); Andrews, Mark (army); Bartlett, Dewey (marines); Bass, Ross (air corps); Bentsen, Lloyd (army); Boggs, James C. (army); Brewster, Ralph Owen (marines); Brewster, Daniel (marines); Brooke, Edward (army); Brown, Ernest S. (army); Bumpers, Dale (marines); Byrd, Harry F., Jr. (navy); Cain, Harry P. (army); Cannon, Howard (army); Carroll, John A. (army); Chafee, John H. (marines); Church, Frank F. (army); and Clark, Joseph S. (army air corps).

Cook, Marlow (navy); Cooper, John Sherman (army); Cranston, Alan (army); Daniel, Marion Price (army); Dole, Robert (army); Dominick, Peter H. (army air corps); Douglas, Paul H. (marines); Edmondson, James (army); Evans, Daniel (navy); Exon, James (army signal corps); Fong, Hiram (army air corps); Ford, Wendell (army); Frear, J. Allen (army); Gibson, Ernest (army); Glenn, John (marines); Goldwater, Barry (army air

corps); Goodell, Charles E. (navy); Gore, Albert Sr. (army); Gorton, Slade (army); Griffin, Robert P. (army); Gurney, Edward J. (army); and Hart, Philip (army).

Hart, Thomas C. (navy); Hartke, Rupert Vance (navy/coast guard); Hatfield, Mark (Navy); Heflin, Howell (marines); Helms, Jesse (navy); Hendrickson, Robert C. (army); Hennings, Thomas C. (navy); Hollings, Ernest (army); Huddleston, Walter D. (army); Hughes, Harold (army); Humphrey, Hubert H. (army); Humphreys, Robert (medical corps); Inouye, Daniel (army); Jackson, Henry ''Scoop'' (army); Javits, Jacob (army); Jenner, William E. (army air corps); Johnson, Lyndon B. (navy); Keating, Kenneth (army); Kennedy, John F. (navy); Knowland, William (army); and Kuchel, Thomas H. (navy).

Laird, William R. (navy); Lautenberg, Frank (army); Laxalt, Paul (army); Lodge, Henry Cabot, Jr. (army); Long, Oren E. (Hawaii defense volunteers); Long, Russell (navy); Magnuson, Warren (navy); Martin, Edward; Mathias, Charles M. (navy); Matsunaga, Spark (army); McCarthy, Joseph (marines); McClure, James (navy); McGovern, George (army air corps); Melcher, John (army); Metcalf, Lee (army); Miller, Jack (army air corps); Morton, Thruston (navy); Moss, Frank (army); Moynihan, Daniel P. (navy); and Muskie, Edmund (navy).

Nelson, Gaylord (army); Neuberger, Richard L. (army); Nixon, Richard (navy); Payne, Frederick (army air corps); Pearson, James (navy); Pell, Claiborne (coast guard); Percy, Charles (navy); Potter, Charles E. (army); Proxmire, William (military intelligence); Reynolds, Samuel (army); Roth, William V. Jr. (army); Salinger, Pierre (navy); Saxbe, William (national guard); Schweiker, Richard S. (navy); Scott, Hugh D. Jr. (navy); Smathers, George A. (marines); Smith, Benjamin A. (navy); Spencer, George L. (navy); Stafford, Robert (navy); and Stevens, Ted (army air corps).

Taft, Kingley (army); Taft, Robert Jr. (navy); Tamadge, Herman (navy); Thurmond, Strom (army); Tower, John (navy); Tydings, Joseph D. (army); Warner, John (navy, marines); Welker, Herman (air corps); Wyman, Louis C. (navy); Yarborough, Ralph (army); and Young, Stephen (army).

EXHIBIT 2

CONGRESSIONAL MEDAL OF HONOR RECIPIENTS

There have been only 8 Senators in history who have received the Congressional Medal of Honor.

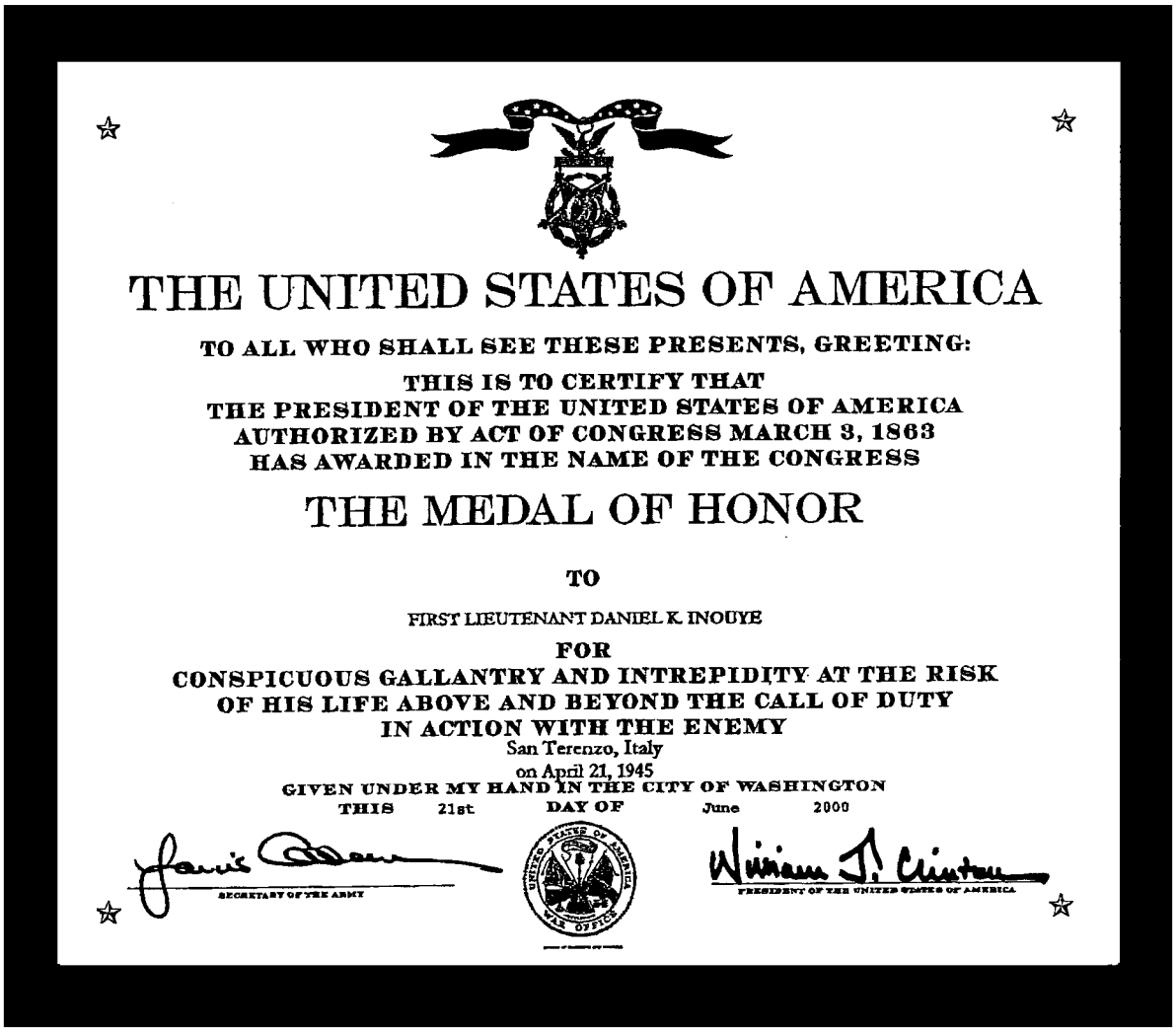
Civil War: Matthew S. Quay awarded July 9, 1888; Francis E. Warren awarded September 30, 1893; Marcus A. Hanna awarded November 2, 1895; William J. Sewell awarded March 25, 1896; Henry A. du Pont awarded April 2, 1898; and Adelbert Ames awarded March 29, 1899.

World War II: Daniel Inouye awarded June 21, 2000.

Vietnam: J. Robert Kerrey awarded May 14, 1970.

EXHIBIT 3

CONGRESSIONAL MEDAL OF HONOR



THE UNITED STATES OF AMERICA

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:

THIS IS TO CERTIFY THAT
THE PRESIDENT OF THE UNITED STATES OF AMERICA
AUTHORIZED BY ACT OF CONGRESS MARCH 3, 1863
HAS AWARDED IN THE NAME OF THE CONGRESS

THE MEDAL OF HONOR

TO

FIRST LIEUTENANT DANIEL K. INOUYE

FOR
CONSPICUOUS GALLANTRY AND INTREPIDITY AT THE RISK
OF HIS LIFE ABOVE AND BEYOND THE CALL OF DUTY
IN ACTION WITH THE ENEMY
San Terenzo, Italy
on April 21, 1945

GIVEN UNDER MY HAND IN THE CITY OF WASHINGTON
THIS 21st DAY OF June 2000

SECRETARY OF THE ARMY

PRESIDENT OF THE UNITED STATES OF AMERICA

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, we have a number of Senators on both sides of the aisle who desire to speak. I make a recommendation that we rotate back and forth between sides. On this side I ask each Senator to try to speak for less than 5 minutes. I yield to each of them up to 5 minutes.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak following the remarks of Senator MCCONNELL, and following that, Senator DODD be our next speaker in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican whip.

Mr. MCCONNELL. Mr. President, let me say to our colleagues from the greatest generation, it is very difficult to imagine how one could improve upon the observations already made by the majority leader, the Democratic leader, and the President pro tempore. We all stand in admiration of their remarkable service.

America has sort of rediscovered World War II beginning in 1994 with Steven Ambrose's great book about D-day, followed up by his marvelous book ''Citizen Soldiers,'' which was about the replacements that came after D-day, one of whom was my dad.

I stand here today as a proud son of one of the greatest generation. I was unable to make the World War II Memorial opening the other day, but I did have an opportunity to watch it on television. At the same time, I was going through some old letters from my father to my mother from the theater, the most interesting of which was a letter dated at the top ''VE Day, May 8, 1945, Pizen, Czechoslovakia.'' As one of the foot soldiers in the Second Division, he had fought his way from March, April, and May across Germany and met the Russians in Pizen. Now free to kind of express himself without fear of the mail being censored, he alluded to a pretty tough couple of months of fighting in Germany without any specifics, obviously—the members of the greatest generation never wanted to talk about the specifics—and made, I thought, a rather prophetic observation.

This was a regular foot soldier in Europe on the day the Germans surrendered. He said: I hope we will not draw down the force too much, and I am really worried about the Russians.

He had had a chance to meet the Russians in Pizen when the two forces came together.

So in addition to celebrating the marvelous service of our six colleagues from the greatest generation, I thought I would take the opportunity to allude to my father who was also one of the 16 million Americans who served in uniform during World War II. This generation has made an enormous contribution to our country.

Tom Brokaw argued, and I think he was probably correct, this is certainly the greatest generation probably since the generation of the Founding Fathers. All six Senators have our admiration and respect. We thank them not only for their service overseas but their service in the Senate in the ensuing years. They are, indeed, great Americans.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, I was a little boy when the war ended, but where I am from, Searchlight, NV, we look at a person by the name of Bill Nellis as the person we recognize as the epitome of the greatest generation. Here is a man who was not eligible for the draft. He had a family, but he decided to join at age 26 or 27. He went into the Army Air Corps, completed 68 missions, was through with his assigned missions, and on his 69th mission agreed to volunteer for someone who was unable to fly that day, and it was his last mission. He was shot down over Belgium, where Bill Nellis still is buried. Of course, Nellis Air Force base is named after Bill Nellis of Searchlight, NV.

As has been said today, we have six patriots who serve in the Senate who are examples to each one of us. Senator DANNY AKAKA has the unique distinction of having been at Pearl Harbor and saw the smoke, fire, death, and destruction. He was there at the beginning of World War II, but he was also stationed on the Island of Tinian when the *Enola Gay* took off to end the war. DANNY AKAKA watched the *Enola Gay* take off from Tinian, where it really did end the war.

Senator HOLLINGS is a person who was educated to be in the military. He graduated from military school, the Citadel, in his hometown of Charleston. In 1942, he immediately became an officer, spent many years in North Africa, the European campaigns. In fact, he was awarded seven campaign ribbons, meaning that he was involved in seven major battles in World War II.

He came back, of course, and has dedicated his adult life to public service, which all of us are very sorry to see is going to end at the end of this term. What a great Senator he has been and what a great soldier he has been, just like Senator INOUYE, Senator AKAKA, Senator LAUTENBERG, Senator STEVENS, and Senator WARNER.

Senator INOUYE is my friend. He is a friend of everyone who serves in the Senate and thousands of others. His heroism, displayed in the Vosges mountains, in France, is something that is a story to behold. As has been related by Senator STEVENS, he truly was an American hero and is an American hero.

But again for Senator INOUYE, it is not only what he did in battle, courageously, it is what he has done his entire life, courageously, in the Halls of Congress. He is a role model for me as to how a Senator should legislate and act.

Senator LAUTENBERG, son of immigrants, represents so well what the American military should be. After he graduated from high school in New Jersey, he enlisted and served in the Army Signal Corps. He spent most of World War II in Europe. When he returned home he had the GI Bill of Rights—again, something that had never been around before. He took full advantage of that and, after graduating, became one of the finest businesspeople America has ever known. He gave up that business career to serve in the U.S. Senate, and he has done that so well.

I have had the good fortune to travel on a congressional delegation that was led by Senator STEVENS and Senator Glenn. It was a wonderful experience for me as a young Senator, to travel to Europe with these two fine Senators. I learned in our meetings we held with different leaders of nations during that time of their military careers. There is no better example of that than when we were in Czechoslovakia and Senator STEVENS and Senator Glenn saw someone wearing an old World War II flight jacket, the same type of flight jackets they wore in World War II. That evening we spent a lot of time listening to these two American heroes talk about their experiences in World War II. It is something I will never forget. It was a wonderful evening I spent with these two fine gentlemen.

Senator STEVENS was a pilot, as we have learned, in World War II in the China-Burma-India theaters, supporting the Flying Tigers of the 14th Air Force. He received two Distinguished Flying Crosses, two Air Medals, and the Yuan Hai medal, awarded by the Republic of China.

Senator WARNER is someone who has dedicated his life to public service. He started when he was 17 years old. As we have learned, he later got out of the Navy, went into the Marines, and became Secretary of the Navy. He is a person who fulfilled, as have the other five, a rendezvous with destiny. These men kept that rendezvous. When history called, all six answered. Every one of them who is now a United States Senator displayed courage in the war, and, as I have said, they have displayed the same courage in their political careers. Four of these Members are Democrats, members of the party I represent. Two are members of the Republican Party—on the other side of the aisle, as we say. But without any equivocation, each of these men share a deep love of our country, and they have put the good of our great Nation above partisan politics on so many occasions.

I am proud to be a U.S. Senator. One reason for being proud is I am able to serve with six American patriots.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I, too, rise to pay tribute and honor to our World War II colleagues here in the Senate: Senator INOUYE, Senator AKAKA, Senator WARNER, Senator HOLLINGS, Senator LAUTENBERG, and, of course, my friend, Senator STEVENS. I

would like to take a few minutes this afternoon to speak my heartfelt appreciation to my friend, the senior Senator from the State of Alaska, Senator STEVENS.

I know words alone can never accurately reflect the tenacious spirit of our friend and decorated World War II veteran. Like so many veterans of the war, Senator STEVENS downplays his role. He will tell you quite simply he did what was expected. Yet it is something that must be told time and time again to realize how much this one humble servant has done and continues to do, both for the country and for the State of Alaska.

Prior to going into the war, Senator STEVENS made a promise to his aunt with whom he was living at the time. He made a promise that he was not going to enlist until he could do so without her consent. So he stayed in college until he was 19, and then he immediately put the wheels in motion to enlist. But he didn't pass that first flight physical. His eyes apparently were not up to par. I think my colleagues in this Chamber who know Senator STEVENS, especially those of them who might play tennis with him, know that this setback was not something that was going to keep Senator STEVENS down. He was determined to fulfill his commitment. He went out and did eye exercises for a couple of months and passed that next flight physical.

During World War II, Senator STEVENS flew C–46s and C–47s in the China-Burma-India theater, supporting the Flying Tigers of the 14th Air Force. He received two Distinguished Flying Crosses, two Air Medals, and the Yuan Hai medal, awarded by the Republic of China, a truly honorable and amazing tour of duty.

But this was not enough action for Senator STEVENS. It was on his way home from China that he gained an interest, I guess, in politics. During the war, he had done his job. He flew every mission that was requested of him and volunteered for more. He volunteered to drive the Burma Road with a convoy of trucks because they needed officers.

But afterward, the keen interest in politics, in terms of why the United States was involved in the war, kicked in, and Alaska and the Nation have benefited ever since. He finished his undergraduate education at UCLA, earned his juris doctorate from Harvard, and served in a number of Government and elected positions before coming here to the U.S. Senate.

To Senator STEVENS, Senators INOUYE, AKAKA, WARNER, HOLLINGS, and LAUTENBERG, I join with my colleagues in thanking you for your distinguished service to our country and to this legislative body, not only because you helped to protect and defend our freedoms but also because you continue to support those who now serve to protect and defend our beloved America. You are the living history of the greatest generation.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Connecticut.

Mr. DODD. Madam President, I commend our two distinguished leaders—majority leader Senator FRIST and Democratic leader Senator DASCHLE—for their very eloquent remarks which I think capture the spirit of all of us as we gather today.

I want to take a few moments to recognize six of our colleagues for their wonderful contribution who were part of this remarkable generation which we have talked about so frequently over the last number of days, and to thank them immensely for their contribution not only during that great conflict but also for their continuing service to this country.

I think all of us witnessed one way or another this past weekend the remarkable gathering on the great Mall of our capital city for the inauguration and dedication of the national World War II Memorial.

We are recognizing six of our colleagues today, but having watched that event, two individuals I must say I couldn't take my eyes off. One was our former majority leader Bob Dole. Without his leadership, the new memorial would not have been constructed. He is not with us any longer as a part of this body but was for some years and played such an important role in seeing to it that this memorial would be built in a timely fashion.

I am stunned to know that about 1,000 of our 6 colleagues' fellow veterans who served in World War II are lost every single day. So this monument could not be built soon enough.

The other one I was watching was former President George Bush, a remarkable hero of that great conflict in his own right. He has a wonderful sense of humility, and rarely discusses his tremendous service as a combat pilot. In fact, I find one thing common about these 6 colleagues of ours, Democrats and Republicans alike. They have a wonderful sense of humility. Every time this subject matter comes up, all of them show a reluctance to talk about their own individual contributions. I admire them for that.

As for my other heroes, I don't want to make all of them feel very old. But my good friend from Hawaii, DAN INOUYE, just said ''Happy birthday'' to me the other day. He asked, How old are you? I hesitate to tell you that I was 6 years old when D-Day occurred. I turned 60 the other day. That makes me feel old. But it must make those who were part of that great conflict a bit older as we gather here today.

But it is not an exaggeration to say we would not, in my view, be enjoying the freedoms which we do as Americans and as so many other people do—all over the world—today if it had not been for the remarkable contribution of those who gave so much, particularly the 400,000 who never came home. Of the 16 million who served, 400,000 gave their lives on the battlefields of Europe, Africa and the Pacific islands.

We can never find the adequate words to express our gratitude to them and to their families—the wonderful people who made a contribution obviously on the home front as well producing the materials necessary to successfully prosecute the war.

In recent times, we have had a number of debates over what constitutes a ''just war.'' There is no such debate about World War II. World War II was truly a defining moment—not only for our Nation, but for the entire world. It was not merely a clash of armies. It was one of values. It was a time when those nations of the world that stood for freedom, tolerance, equality and opportunity took on, and defeated, the forces of tyranny, oppression and genocide. World War II was literally a fight for the future of humanity. It is no exaggeration to say that had the outcome of World War II been different, the institution in which we serve might very well not be in existence today.

Each and every one of us today owes his or her freedom, in a very real way, to the men and women who gave of themselves during the war—those who served overseas, as well as those who contributed on the homefront. I would like to especially recognize the tremendous contributions of those from my own State of Connecticut. About 210,000 men and women from Connecticut served in the Second World War. Connecticut's civilians also played an enormous part in the war effort by helping supply our troops with planes, firearms, and other weapons and technologies that were so vital to our victory.

I want to be an additional voice here today to say, Thank you. It is rather remarkable that in a body of 100 people we have 6 veterans of World War II among us. We are very grateful to all of you for your wonderful contribution and to have you as wonderful friends—FRANK LAUTENBERG, DANIEL AKAKA, DANIEL INOUYE, two Senators from the same State, a rather remarkable distinction. I think it is special to have 2 Senators from the same State who are veterans. FRITZ HOLLINGS—I know I am in violation of Senate rules a bit. But I noticed someone in the gallery and wanted to pay tribute to Peatsy Hollings. I know there are a lot of spouses and others who went through a lot as well.

In addition to my great friend from South Carolina and his lovely wife, TED STEVENS, who I care so much about and admire immensely; JOHN WARNER, one of my dearest friends in the world. I thank all of you for your wonderful contributions.

I am very proud to serve with you, and I thank you.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I feel truly honored to be able to join with my colleagues in recognizing today six of our own who are part of the ''greatest generation'' and who made a tremendous contribution to the freedom—

not just of our country but to the world.

A lot has been said about Senators INOUYE, AKAKA, HOLLINGS, LAUTENBERG, STEVENS, and WARNER. I endorse almost everything said about all of them. I consider all of them good friends. I have stories on a few of them, but I will not tell the stories if they will not reciprocate and tell stories on me.

But these are, as has just been said, very humble men who did absolutely amazing things, who made tremendous contributions, and yet they walk among us today with one foot in front of the other. You don't know it when you deal with them.

I have had the privilege in recent times visiting some of the battlefields in Europe—the battlefield of Bastogne with Senator HOLLINGS. My wife and I have been to Normandy beaches—Utah Beach, Omaha Beach, Sainte Mere Eglise—places where absolutely remarkable things were done.

These are tremendous monuments. Unfortunately, I am not going to be able to go to D–Day. But I urge my colleagues to visit these locations when you have an opportunity and see the living memorials which are set up there and the movies that were taken of the events. When you see the conflicts they faced and the bravery, you think: Why on Earth would somebody ever try to do that? There were literally hundreds—and probably thousands—of undertakings that were seemingly impossible which the brave soldiers of the U.S. forces undertook on D–Day.

I join with my colleague from Connecticut, who mentioned two other great heroes, the former leader of this body, Bob Dole, and former President George Bush, who made tremendous contributions. These people deserve our greatest admiration and our thanks, along with all of the other veterans, and the families of all of these men deserve special thanks.

I note that I think one Beth Stevens is watching close by, daughter of this good Senator from Alaska. I know how proud these young people are of their parents.

I do not know how many of you saw the movie, ''Ike: Countdown to D–Day.'' It was a fabulous movie, telling about all of the problems and the hassles that went into the planning of D–Day. Getting ready to lead an invasion of 130,000 troops, 5,000 ships, 11,000 aircraft, you see how many things could go wrong, not the least of which was when Eisenhower told his Chief of Staff, General Beetle Smith, We are surrounded by some of the biggest swelled heads in history, and my job is to keep them pulling together.

We had uncommon leadership from people who were ordinary human beings, but we had uncommon valor from so many of the 16 million people who served there. We say to all, Our sincerest thanks, our deepest respect. We congratulate and thank them. Having watched that D–Day movie, I can only say how lucky General Eisenhower was when there was not 24-hour television coverage. If you were watching every day the kinds of problems and the hassles that General Eisenhower had to endure, with the media we now have they would probably call for the firing of General Eisenhower and the impeachment of the President because lots of things went wrong. But these brave people, these brave men persevered, and we owe them our heartfelt thanks.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Madam President, I thank you.

AKAKA, HOLLINGS, INOUYE, LAUTENBERG—veterans of World War II. STEVENS, U.S. Army Air Corps, a veteran of World War II; WARNER, Navy veteran of World War II. All unique men, men of decency, men of character, plainspoken, humble and generous in spirit, noble in purpose.

Their lives have been about hope. They transformed a world and framed the future. This institution and the world have been touched by each one. We in the Senate watch them. We key off of them. We have learned much from these six distinguished Americans.

These men are not angels. We are not here to canonize them, but we are here to recognize one of the most unique times in the history of man. That time was not squandered by unique individuals who understood the great purpose and challenge of their time.

I am connected to this generation, as millions of Americans, not just because I had the privilege of serving with them in the Senate, my father was a veteran of World War II with the Army Air Corps in the South Pacific, the 13th Army Air Corps. He was a radio operator tailgunner on a B–25. He spent almost 3 years overseas.

If he were alive today, I don't know if he would have found a prouder moment than what happened in Washington last weekend and what is happening in the Senate today as we honor these unique Americans.

They lifted us up. They continue to lift us up. Yet they never asked for anything in return for their service. I congratulate and thank our distinguished colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, if I may take just a few minutes to respond to the comments of our colleagues, to our majority leader, Senator FRIST, and TOM DASCHLE, our Democratic leader, and other colleagues, including Senator REID, Senator BOND, and Senator WARNER, who is kind of a member of this clan of ours—to be with colleagues like Senator STEVENS, Senator INOUYE, Senator HOLLINGS, and Senator AKAKA, all serving together at the same time, it is hard to believe it was as many years ago as it was.

Senator HAGEL, I thank him for his comments, as well, and Senator DODD.

But it was a long time ago, and those who now are approaching 50 years of age remember serving when we were just kids. I enlisted in 1942 when my father was on his death bed with cancer. He was 42 in the year 1942. It was a duty that I felt keenly and I enlisted, even as my father was on his death bed. My mother was 36 years old.

I cannot remember any of my contemporaries who did not serve or who were not going to serve. There were 16 million in uniform. It was quite an assembly of Americans of all cultures and religions. We had one mission and that was to protect this world of ours from becoming a product of fascism.

While it was so many years ago, it is wonderful to be able to recall we were there. When I look at the actions of DANNY INOUYE, who among us is at the top, given the Congressional Medal of Honor, that is a distinction that is given to so few people. As I recall my many discussions with Senator INOUYE—I hope my memory is accurate—he had been hit by fire, even as he got up to lead his platoon further on. That is bravery as few have it. He knew his duties had to continue because he had the responsibility of others he was in charge of.

DANNY INOUYE, as we all know, is modest to the core. He never brags, would never talk about his performance. DANNY will always stand for what is right, but he never is in a position where he brags about his incredible service.

FRITZ HOLLINGS, similarly, got his stars, his clusters for his duty in so many different combat areas.

Mine was different. I was not in a combat unit. I, like so many others, performed my duties in a different place. Most of what I saw of World War II was from the top of a telephone pole. I was a pole lineman. My mission was to make sure the connections between those who were serving at the front and those who were issuing the orders from way back at command headquarters were clearly transmitted. I took my responsibilities seriously. Even as we were being bombed by B–1's and B–2's—for those who are not old enough to remember, one was a jet bomb and another was a rocket bomb. That was like a time bomb because you never saw it coming. It went off and did whatever damage it did.

The first jet airplane I ever saw in the sky was German. They were outdistancing our fighter pilots in minutes. They would just pull away. They would drop bombs wherever they could. This was my service primarily in Belgium.

When I visited the World War II Memorial—and, unfortunately, I was not there at the ceremony; I could not be, as I had longstanding plans, and I had to maintain those appointments—I visited with Senator DOLE and Senator INOUYE, Senator HOLLINGS and Senator WARNER, and Senator AKAKA was there,

as well. Not to be critical, but I did not see anything that indicated how many died in different places, what were the regiments that fought these battles, what were the divisions, what were those who served on the seas doing at the time when the bombs were falling or the torpedoes were being sent.

It took my unit 3 days to cross the channel from England to France because they could not get the convoy stabilized enough to carry on.

I hope they will make some adjustments at the memorial to reflect the sacrifices that were made, other than in artistic terms. There is a wall of gold stars, each representing 100 deaths. Using quick multiplication, you could figure out 400,000 people died in combat or combat-related activities. We see New Jersey, we see New York, we see Virginia, and the other States; columns of granite, but not one indication of how many people came from the then-48 States and 6 territories. Did 10,000 die from the State of New Jersey? It is just a guess.

It would be important if we knew what happened. The memorial has a certain beauty. It is a tranquil beauty, however, and it does not talk to the smashing victories we had on D–Day or in the Belgium Bulge.

I was in Belgium at the time. I was not at the front line. The weather was abominable. It was gray and snowy and our troops were getting licked badly and we were moving back.

I was taken down to the railroad station, given ammunition, and they said: OK, LAUTENBERG, you and your unit have to go up there. Fortunately, with prayers supporting it, the sun came out and the Air Force got up into the sky, and they smashed the German line and moved it all back. It was the turning point in that stage of the war, December 1944.

We are all grateful to have survived, to be here, to be able to serve, to continue our service in this great body. I say to my colleagues, I am grateful to each one of you—each one of you who served, each one of you who made a difference in how this world of ours turned out, and each one of you who continues to serve. Even though we might have different opinions about quite how we do it, the fact is, we are here because we want to continue to serve our country. We are lucky to be in America.

I thank all of you, my colleagues, for the work you do.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, last weekend thousands of Americans flocked to our National Mall to pay tribute to the ''greatest generation.'' It was the dedication, as we all know, of the World War II Memorial.

It has now been 59 years since the end of the Second World War, and at long last our Nation has a place that honors the 16 million who served in our Armed Forces, the more than 400,000 who died, and the millions who supported the war effort here at home.

I was touched that those who served at home also were honored because that war brought our Nation together as we had never seen before, and perhaps since.

I can think of no more appropriate honor than to recognize their commitment, dedication, and sacrifice with a permanent memorial to the men and women who fought to secure our freedom and stamp out Nazi tyranny.

Today we are honoring those Members of this esteemed body who fought for our freedoms in World War II. Of the 114 Senators who have served in the war, I have been privileged to serve with 15 of them. Six are here with me today.

DANNY AKAKA served in World War II with the U.S. Army Corps of Engineers as a welder-mechanic.

ERNEST HOLLINGS graduated from The Citadel in 1942 and received a commission from the U.S. Army. He served as an officer in the North African and European campaigns in World War II, receiving the Bronze Star and seven campaign ribbons.

FRANK LAUTENBERG enlisted in the Army straight out of high school and served in the Army Signal Corps in Europe during World War II.

TED STEVENS, during World War II, was a pilot in the China-Burma-India theater, supporting the Flying Tigers of the 14th Air Force. He received two Distinguished Flying Crosses, two Air Medals, and a medal awarded from the Republic of China. Today he is chairman of the Appropriations Committee and the Defense Appropriations Committee.

JOHN WARNER entered the Navy at age 17, and served on active duty in World War II. He went on to serve as a marine in the Korean War, and served in the Department of Defense for 5 years during the Vietnam war. Later, he served our country as Secretary of the Navy, and now serves as the distinguished chairman of the Armed Services Committee of the Senate.

DANNY INOUYE served in combat with the legendary ''Go for Broke'' unit in World War II, achieving the rank of captain and earning the Nation's very highest award for military service, the Congressional Medal of Honor. He also earned a Bronze Star and a Purple Heart with cluster. He is the ranking member on the Defense Appropriations Committee.

Two of Texas' recent Senators, Lloyd Bentsen and John Tower, were both proud Texans and veterans of World War II.

Three of our Nation's Commanders in Chief, who served in the Senate—Presidents Kennedy, Johnson, and Nixon—also fought as part of the ''greatest generation.''

For anyone who has read Tom Brokaw's book ''The Greatest Generation,'' the stories of those who fought the bitter and brutal fight and then returned home to their families and went about their lives as if it were no big deal are today still sources of great inspiration to all of us because they had the commitment to do what was right, to answer the call to duty, to return without a complaint, with no second guessing, no protests. That was the mark of the ''greatest generation.''

Some of them went back to the factories and the fields, and back to their desks, and they did not even expect praise or admiration. Some went into public service. Those we have mentioned today did and are doing a wonderful job carrying the mantle of public service. They brought with them the scars of war, and they carry the mantle of freedom.

Bob Dole, with whom all of us served as well, what a great leader and what a great hero of World War II.

Strom Thurmond, once chairman of the Armed Services Committee, served, at the age of 40, in World War II and had to miss the 50th anniversary of D-day because his son was graduating from high school. What a legend.

I am honored to stand here and look around this fabulous room, these hallowed halls, and pay tribute to every one of you who gave me the right to stand here, and who will be forever in my heart because you are continuing to do so much for our country. I want you to know I believe without the great leadership you provided, neither my children nor I would know the freedom we know today. We do stand on the shoulders of giants, and we salute you.

Madam President, my distinguished colleague, the Senator who is the chairman of the Armed Services Committee, said I forgot President George Bush, who also was a hero in World War II. That is certainly a huge omission, and I apologize, and thank you, I say to the Senator, for letting me set the record straight.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, this past week has been a very memorable and inspirational and overdue time for all of us to come together as a nation and dedicate the World War II Memorial and recognize the efforts of our Nation's veterans in one of the fiercest wars in our Nation's history.

As we did, many of us took a moment to remember the events of those days and how they affected us and, more importantly, how they affected the people in our lives who played an important part in that war effort.

I had a special opportunity to remember my dad, Elmer Enzi, who served in the war, and my uncle Edward Curtis and my uncle Edmund Wally Enzi who played a part in that war.

For many of us, those days are forever etched in our minds because they had an impact on us and our families and friends that will never be erased or forgotten. But it is nothing like the memory of those who actually participated.

We have the opportunity to honor the Senators who are with us today in this great body who played a part in that war. We have mentioned them, their achievements.

I want to refer to a piece that was on Channel 1, which is an educational channel that goes to the schools every morning. They have seen these World War II events being dedicated and the people who came to those events. Each time there is one of those events, the people who come are a little bit older. They found out the kids of this country were getting kind of a false impression of who fought the war, so they put out a special piece that would be dedicated to these great men who serve in our Chamber. The title of it was: ''The Kids Who Saved the World.'' They showed the people coming to the reunions, but then they shifted back to the pictures of these people as they served. It made a much greater identification for the kids across this country that the patriots, the ones who put their lives on the line, were not much older than the kids in school watching this Channel 1.

I thank Senator DANIEL AKAKA, SENATOR FRITZ HOLLINGS, SENATOR DANIEL INOUYE, SENATOR FRANK LAUTENBERG, SENATOR TED STEVENS, and Senator JOHN WARNER for being those ''kids who saved the world'' and allowing us to be here in this forum today.

For us, as Americans, our World War II story begins on December 7, 1941, a date President Franklin D. Roosevelt told us would live in infamy, as Japan suddenly and deliberately attacked the United States of America.

The next day, the President reassured a fearful nation that the attack on Pearl Harbor would not stand and that all our resources would be brought to bear on ridding the world of the terrible menace that was threatening the future peace and security of the United States and Europe.

In the years that followed, the United States put forth an effort to combat evil that had never been seen before. Sixteen million served in our Armed Forces and a united America gladly did everything that could possibly be done to support the war effort back home. The United States was fully committed to the cause at hand and no price was too great, no sacrifice too burdensome, and no hardship too severe, if it meant victory overseas.

The World War II Memorial on the Mall commemorates the sacrifices of those 16 million veterans who served with pride and patriotism during World War II. It also honors and recognizes the millions more who supported the war cause back home. For without the efforts of our troops on the front lines, and the support and encouragement of family and friends back home, we would have never been successful. Thanks to all of them, we succeeded beyond our greatest expectations. This was truly a time when we knew there was no option but complete and total victory and we refused to consider any other option—regardless of the cost.

When President Roosevelt made the call for recruits it was answered in unprecedented fashion. The 16 million Americans who reported for duty made it clear that they would pay any price to defend the freedoms and liberties of our own Nation. They also committed themselves to the liberation of Europe and the preservation of liberty there and in many other parts of the world.

They were just average Americans from small towns and large, from small States and large, who were caught up in a cause greater than themselves. They soon showed themselves to be the greatest weapon ever known in the history of warfare—the American Armed Forces. They were sent to far away places with strange sounding names, as the song goes, and they probably never imagined there was anything special about them. Heroes? They probably never thought of themselves that way, but for those who read about their exploits, and for those of us who now live with the freedom that their blood, sweat and tears provided, we cannot think of them any other way.

They were young men and women, called to attempt the impossible, knowing the odds were against them, and still they tried, because they believed in our country and the principles we hold dear as a nation.

We have several World War II veterans serving with us here in the Senate, with several more serving in the House. Their commitment to country and duty which began so many years ago continues today in the Congress.

Senator DANIEL AKAKA, Senator FRITZ HOLLINGS, Senator DANIEL INOUYE, Senator FRANK LAUTENBERG, Senator TED STEVENS, and Senator JOHN WARNER represent in a special way all of those who served with distinction and honor during those days. They are our link with the past, a past that has made our present possible.

What they achieved, along with all those who served with them, is best seen in the words that have been posted on several Internet sites, attributed by some to Father Denis Edward O'Brien, USMC:

It is the soldier, not the reporter Who has given us freedom of the press.

It is the soldier, not the poet, Who has given us freedom of speech.

It is the soldier, not the campus organizer, Who has given us freedom to demonstrate.

It is the soldier, not the lawyer, Who has given us freedom of the right to a fair trial.

It is the soldier who salutes the flag, Who serves under the flag and

Whose coffin is draped by the flag,

Who allows the protester to burn the flag.

This is the legacy our veterans have left us and it reflects the debt we owe them all. They are—and they always have been—the force that guarantees our Bill of Rights. They are—and have been—the force that stands guard around the world, vigilant and watchful, while we sleep. They are the ones for whom love of country are not just words, they are a way of life.

In the years to come, the Memorial on the Mall will serve as a constant reminder that freedom isn't free and that it comes at a great price. More than 400,000 American lives were lost in World War II and many more were wounded in battles all over the world. They will be remembered there. The memorial will also serve as a symbol of the heartfelt dedication and total commitment that was needed to put an end to the tyranny that threatened to ensnare the world around us. It was an effort that we pray will never have to be duplicated.

We take great pride in our Nation's veterans because they are our greatest American heroes. They were as one, willing to sacrifice all their tomorrows to ensure we would live in freedom today. Our way of life is their legacy, their gift to us all. God bless them all, our Nation's heroes, our Nation's veterans.

Madam President, I yield the floor.

Mr. ENSIGN. Mr. President, this past weekend President Bush dedicated the World War II Memorial before an audience of several hundred thousand attendees and a national television audience of millions.

The memorial honors the 16 million who served in our Armed Forces during World War II, the more than 400,000 who died, and the millions who supported the war effort from home.

Symbolic of the defining event of the 20th Century, the memorial is a monument to the spirit, sacrifice, and commitment of the American people to the common defense of the Nation and to the broader causes of peace and freedom from tyranny throughout the world.

It is my belief that it will inspire future generations of Americans, deepening their appreciation of what the World War II generation accomplished in securing freedom and democracy.

Above all, the memorial stands as an important symbol of American national unity, a timeless reminder of the moral strength and awesome power that can flow when a free people are at once united and bonded together in a common and just cause.

The dedication of the World War II monument reminded me of a story that not many are familiar with. This story is about a young man whose experiences throughout the Pacific during World War II helped mold him into the compassionate, reasoned, and fiercely patriotic gentleman he is today.

In December of 1941, that young man was a high school student in Hawaii. And on the morning of December 7th, he and his schoolmates watched from the hillside in horror as the Japanese planes carried out their surprise attack on the Naval fleet in Pearl Harbor.

After finishing high school, this young patriot joined the United States Army and was assigned to the Corps of Engineers. He sailed throughout the Pacific, and participated in the invasions of the Japanese-held islands of Saipan and Tinian. In fact, when he

was on Tinian he watched the *Enola Gay* lift off on her historic mission to the Japanese mainland.

Young DANIEL K. AKAKA had witnessed the beginning of World War II, and was fortunate enough to witness its conclusion.

Many years have passed since then. Now, Senator AKAKA can look back on a remarkable life. In addition to his Army exploits, he was a welder, a school teacher and principal, Congressman and is currently a U.S. Senator representing the good people of Hawaii.

It is in his current capacity that I know him best. As a member of the Senate Armed Services Committee and ranking member on the Readiness and Management Support Subcommittee, we have worked together overseeing military readiness issues including training and exercises, logistics, and industrial operations, depots and shipyards, military construction, environmental programs, as well as policies and procedures related to reform of management practices at the Department of Defense.

I have the utmost respect and admiration for my colleague. Today I want to say thank you to my friend, DANIEL AKAKA.

The United States of America is the leader of the free world and the greatest Nation in history because you and your comrades, the greatest generation, served and sacrificed.

We have not forgotten how you helped save the world from tyranny, nor do we take for granted the price you paid for the freedom we cherish today.

You served our country with honor and commitment during one of the darkest times in modern history.

This Nation is as grateful, if not more, for you today, than we were in the days following your liberation of the world.

History has taught us how heroic and courageous you truly were. So it is only fitting that on this day, at this time, on behalf of a grateful nation I say, thank you. God bless you, DANIEL.

Mr. CORZINE. Mr. President, I rise this week to commemorate the 60th anniversary of the World War II Allied invasion of Normandy and to honor the courageous members of our Armed Forces, especially those from New Jersey, who participated in that decisive battle.

In the waning days of 1943, the Allied Command, led by General Dwight David Eisenhower, developed a plan to cross the English Channel and gain a foothold on France's Normandy coast. This bold strategy breached Hitler's western defenses and began the liberation of France and the rest of Nazi-occupied Europe.

The invasion known as Operation Overlord was to become the largest air, land and sea operation any military force had ever undertaken. After months of planning, training and preparation by the Allies, June 6, 1944 was selected as the invasion date, or D–Day.

Moving and fighting under stormy skies, the invasion force, led by the United States, Great Britain and Canada, and including Free French and Free Polish units, consisted of over 1 million service personnel. The American contingent included tens of thousands of ground combat troops who assaulted over Omaha and Utah beaches, airborne units which landed behind enemy lines, U.S. Navy sailors, Army logisticians and other specialists, and Army Air Corps aviators and ground crews who supported the landings.

The dangers were grave, and the stakes almost incalculable. Our troops' skill and determination won our Nation a world-changing success, a military victory which today remains a keystone of the liberties and security Americans and their partners still enjoy. The soldiers who fought their way ashore in Normandy and who there dropped into battle under heavy fire demonstrated unsurpassed tenacity and valor. Their superb performance and their sacrifices in the cause of freedom and democracy will always be remembered and appreciated by a grateful nation. May our D–Day veterans' memory and deeds be a constant reminder of Americans' courage, resolve and devotion to duty in World War II.

Mr. JOHNSON. Mr. President, I rise today to honor America's veterans of World War II.

I am pleased to have this opportunity to thank the millions of Americans who served our Nation during the Second World War. World War II marks the greatest triumph of the United States in the 20th Century. The war has become a symbol of the power of a nation united and a turning point in the history of the world.

It is important to note that the service of men and women of the World War II generation went far beyond their sacrifices on the battlefields of Africa, Europe, and the Pacific. After winning the war, they returned home to create a strong, prosperous nation and helped shape America into the beacon of liberty that it is today.

I am honored to work along side six World War II veterans here in the Senate. Our colleagues Senators INOUYE, STEVENS, WARNER, HOLLINGS, LAUTENBERG, and AKAKA each answered their Nation's call to duty. I thank them for their service in the military during World War II and for their continued service and leadership in the Senate.

I was extremely touched by this past weekend's emotional dedication ceremony of the National World War II Memorial and the opportunity it provided for our nation to honor our World War II veterans. While belated, this memorial provides all Americans with a place to express their appreciation for the men and women who fought in the war and to reflect on the sacrifices of those who died to defeat the evils of tyranny and oppression. Though it is the newest of our war memorials, I believe it has already become a national treasure.

I also want to take this opportunity to pay a special tribute to the veterans of D–Day. Next week marks the 60th anniversary of the allied landing at Normandy, France. On June 6, 1941, the largest fleet of ships in the history of the world left ports in Great Britain for the coast of France. Aboard these ships were thousands of young Americans who fought and died to gain a foothold on Europe and to help free those who had fallen under the dark shadow of Hitler's forces. These young men were the spearhead of one of the greatest military forces ever assembled and deserve special recognition for their sacrifices.

Like so many Americans, members of my own family proudly served in World War II. Both my father and father-in-law served in the military during World War II. I want to thank them and to join with my Senate colleagues in expressing my gratitude to all the veterans of World War II. We are proud and thankful for all that they have done and continue to do in service to the United States of America.

Ms. SNOWE. Mr. President, I rise today to pay tribute to the United States Senate's World War II veterans—soldiers then, statesmen now. They each have unique personal histories and paths from wearing the uniform to serving in this body, yet they share that common badge of honor. They took up arms in a war for the life of all free nations, and for the survival of deliberative democracy embodied by the Chamber in which they serve today.

The dedication of the World War II Memorial this past weekend freshly reminded all of us that individuals like Senators WARNER, STEVENS, AKAKA, HOLLINGS and INOUYE devoted their youth to the greatest cause our Nation has ever undertaken. During that ceremony on Sunday, the sea of former soldiers, and sailors and airmen on the National Mall was a moving testament to the unique, lasting place all veterans have in their hearts for fallen comrades. Years have not diminished the meaning of sacrifice that they know best.

Where often our prayers and thoughts focus on the blessings of liberty, we were also recently reminded by Memorial Day of the costs of the liberty—the loss of those who in Lincoln's words gave the ''last, full measure of devotion.'' It is only fitting that, on the heels of Memorial Day and the dedication of the World War II Memorial, we take a moment to recognize our friends and colleagues who served in the Armed Forces during the Second World War.

In the Senate, we are all privileged to serve with five colleagues who wore the uniform during a time freedom and civilization itself depend upon young soldiers like them.

Senator JOHN WARNER, now at the helm of the Armed Services Committee, volunteered for the U.S. Navy at the young age of 17, and later would

enlist in the U.S. Marine Corps in Korea.

Senator TED STEVENS carved out a decorated war record as a pilot in the China-Burma-India theater, supporting the Flying Tigers of the 14th Air Force. His bravery earned him two Distinguished Flying Crosses, two Air Medals, and the Yuan Hai medal award by the Republic of China.

Senator DANIEL AKAKA, now a leader on the Armed Services Committee, was once a young Hawaii welder and mechanic serving with the Army Corps of Engineers in the Marianas, from 1945 to 1947.

Senator FRITZ HOLLINGS, schooled at the Citadel, began his service in 1942 as a commissioned officer in the North African and European fronts, where he would receive the Bronze Star and seven campaign ribbons.

Senator DANIEL INOUYE had known the horror of Pearl Harbor, where he volunteered as head of a first-aid team, and in 1943, he enlisted in the U.S. Army's 442nd Regimental combat Team. Senator INOUYE has chronicled his World War II experiences in ''Go for Broke,'' the story of his famed group of Japanese-American soldiers.

Senator FRANK LAUTENBERG joined the U.S. Army Signal Corps fresh from high school. He served until 1946 in Signal Corps Battalion 3185 and as a communications specialist attached to British 21st Army Group.

These five colleagues remind us of the high calling to which the Greatest Generation responded—prepared to give all, to protect all. They served beside 400,000 American comrades who would never leave the shores and soil of Europe, the islands of the Pacific and the desert of North Africa.

On the ''Freedom Wall'' of the new World War II Memorial shine 4,000 gold stars—with each star representing 100 lives lost. Just as that human toll approaches the unfathomable, so too do we struggle to truly comprehend the extent to which the heroes of World War II—all with their own unique lives and stories and dreams that would never be fulfilled—collectively turned the course of history away from darkness and toward liberty and light. As their loss to their family and country was permanent, let us also never forget that what they achieved for humankind will stand for all nations, for all time.

Mr. CHAFEE. Mr. President, on May 29, 2004 the National World War II Memorial was formally dedicated on the National Mall.

A number of Rhode Islanders of whom our State is particularly proud played important roles in the design and construction of this strikingly beautiful monument.

Credit for the overall vision of the monument is owed to Providence's Friedrich St. Florian, whose architectural design was chosen from over 400 competing entries.

As to the great results of the construction, I am proud to mention North Kingstown's Anthony Ramos, the founder and president of New England Stone, whose company was responsible for quarrying and fabricating all granite use in the memorial. Nick and John Benson of the John Stephens Shop in Newport were the principal stone carvers of the project; through their work they turned hulks of granite into works of art. Finally, I am pleased to honor Lawrence Rebel and all members of the Gilbane Building Company of Providence for their contributions as construction managers, selected by the General Services Administration's public buildings division.

This memorial is a deserving tribute to the sacrifices made by the men and women of the United States during the Second World War, and I am proud of Rhode Island's contributions to the effort.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, I rise with deep humility and honor. The words of my colleagues and friends have touched me greatly. I am most grateful. But in listening to their words, I must suggest that wars are not won by soldiers alone. It takes a united nation to do that.

The war that we were privileged and honored to serve in was a war that a united America carried out. Husbands went to war, but their wives stayed home and worked in the factories. Some worked in the fields. There were mothers who were in anguish every day while their sons were away, but they gave us hope. They gave us courage. Little kids went around collecting pennies to buy bonds.

Yes, it took a nation to win this war. The memorial testifies to that. It does not just honor those who served in battle, but it honors those wives and sweethearts who worked in the factories, the little students who collected scrap metal and pennies.

Yes, we were young. But we knew what was going on. I have been asked many times: If given the chance, would I do it again? I think I speak for all of my colleagues: Certainly, because it was the right thing to do. It was the American thing to do. And what we did I am certain all other Americans would have done.

We all received medals. It is unfortunate that all Americans could not receive those medals. Well, I can tell you that my mother deserved a medal. She had to look at the little flag that flew over her window. There were three stars on it. My two brothers served in the Korean war. It must have been a difficult time for her. I am certain that all mothers have gone through this.

So I thank all of my colleagues.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, let me also acknowledge the fact that my mother, too, had three stars in the window. I had one brother in the Pacific, one in the Mideast, and myself in Africa and Europe.

Senator STEVENS, Senator WARNER, and a bunch of us went down to the World War II Memorial with our friend Senator Dole who chaired that particular memorial. It was a rather blowy day, and all that wind was blowing those fountains all over us. We veterans, in visiting with our good friend Bob Dole, renamed the memorial Viagra Falls after Bob Dole.

But the truth of the matter is, if you go down on the right-hand side, there is a saying by Roosevelt in 1942 dedicating a good part of that memorial and the thought of that memorial to Rosie the Riveter.

That brings to mind the fact that we all had an easy time. We are lucky to be here, as we know. We had an easy time when we came back. It makes me think of the distinguished Senator from Nebraska, CHUCK HAGEL. He fought in the war in Vietnam, where the soldiers came back facing hardships. And that is the big difference.

We really honor our friend DANIEL INOUYE, because he had to fight his country in order to fight his country's enemy. He struggled for a year and a half. He was in the military at the time of Pearl Harbor, but being a nisei of Japanese descent, it wasn't until we were very short of troops in Italy, that we first committed the full 442nd combat team into the lost battalion, into the Rhone Valley and then into Italy. And God bless him, he deserves a Medal of Honor, not only for the courage in battle but the determination against an ungrateful nation that would not even allow him to fight.

Now, what is the point? The point is that we know how to fight a war, but we don't know when to start one. That is why I particularly wanted to thank the majority and minority leaders, in addition to all the Senators, too, who have had these laudatory remarks. We are all very grateful. And we welcome, incidentally, our distinguished former colleague, the Senator from Maryland, Joseph D. Tydings. He is still ready to fight. This is the first time he has been on the floor of the Senate in 30 years. But I had the pleasure and distinction of serving with him as a junior Senator. And then, of course, our colleague from Arkansas, Dale Bumpers, went to fight that war.

We had, as Senator Tydings and I just remembered, that Gulf of Tonkin. I had to sit in the chair. I got two Golden Gavel Awards; 200 hours listening to Wayne Morse, whom I thought was a little looney at the time because I was from South Carolina. We were committed in Vietnam. I found out later that I was the one who was looney, and Wayne Morse was right. He was debating Bill Fulbright on the Gulf of Tonkin.

This is not political. We know now why we are not into Iraq. We know specifically that there wasn't any al-Qaida. The Department of State put out a listing of 45 countries that had al-Qaida ties on 9/11, and it did not have Iraq listed. We know it wasn't the

matter of Saddam being any threat. Retired General Zinni said the other day that his army was a decaying force. He used that word. If you read Dick Clarke's book ''Against All Enemies,'' you will find Paul Wolfowitz, and Clarke and none other than John McLaughlin, of the CIA are talking about going into Iraq. Wolfowitz, who is a friend of mine, says, what about Iraq? He says, there is no evidence, no intelligence whatever of any terrorism against the United States in the last 10 years. Isn't that right, John? And John confirms that.

Let me make a sort of harsh comment, but take it advisedly because we were just talking earlier today with respect to the McCarthy days. I want to talk about intelligence. I served in the McCarthy days 50 years ago. Doolittle had made a study that was a whitewash. So they came back and the Congress said: Let's give President Herbert Hoover, the commission on the reorganization of the executive branch. I was one of the six members on the Hoover commission task force investigating the intelligence activities. In the Senate, I served 8 years on the Senate Intelligence Committee. So I speak with some experience when I say right now our intelligence is one grand charade.

I say it with all due respect. You cannot find any finer people than those on the 911 Commission—Governor Kean, Lee Hamilton, John Lehman, who is a good friend. There is nobody I respect more. The individuals are doing the job. But the idea that we somehow lacked intelligence is out of the whole cloth. Why? Because our best friend in the Mideast, Israel, has the best of the best of intelligence. Their survival depends on their intelligence. Senator INOUYE, Senator AKAKA, Senator STEVENS, Senator WARNER, and Senator LAUTENBERG, in the 1980s, Israel had to go into Iraq to take out its nuclear facility. They could not have a U.N. meeting or whatever to discuss the situation. They had to destroy the plant for their own survival, and that is what they did.

This Senator thought at the time the United States went into Iraq it was because we faced clear evidence of peril. That is what the President told us. He said we cannot wait until the smoking gun is a mushroom cloud. So the lesson to learn is not just the heroism of the greatest generation but the mistakes.

We have to be awfully cautious. All six of us World War II vets say nobody wants to cut and run from Iraq. We hope yesterday's news was good, with this new council. It seems as if they have some support of the U.N. If President Bush can get that resolution out of the United Nations, we still have a chance to win in Iraq. That is still my hope.

I will conclude with the prayer to the fallen comrade:

Lord, lest I go my complacent way, Help me to remember that a man died for me today. So long as there be war, I must ask and answer, Am I worth dying for?

That is the test of this ''greatest generation'' still.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Madam President, I rise in the spirit of thanksgiving and pride as I stand in the Chamber with others who have served in World War II. I thank this body for the honor they have given all of us. But I say thanksgiving because I thank God. I thank God for being here. I thank God for being a part of this body. I thank my ma and my pa for bringing me into this world. I thank my wife Millie and my family for the support they have given me. I thank my buddies who served with me and trained with me in World War II.

I thank God for setting a new course not only for me but for our country. Because of World War II, we saw our country changing itself from being very prejudicial to being forgiving, and setting a new course not only for our country but for the world.

When I think of what helped me after I left the Army, I used the GI Bill of Rights program. That was, for me, one of the greatest programs. I would say that each of us here have benefited by using that to go to college. As a result of that, we were able to set our professions and eventually be elected to the Senate. But things have changed not only in our lives but in our country and the world. When I think of our country and how it has benefited from World War II, other countries, such as Germany, have also benefited from World War II. Japan has benefited from World War II. It has really changed the world.

So I thank God, my family, my buddies, and my colleagues here especially for the kind words and sentiments that have been given tonight. I feel proud to be part of this esteemed body. I thank my colleagues again and our leadership for this recognition. I want them to know that I am proud to have served our country.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I think it is appropriate that I am the last veteran of World War II in the Senate to rise because I am the youngest. I say that only because it reflects on my very modest career in World War II. I was but 17 in January 1945. The Navy called me and I served in training commands. All of our generation went in. It is hard to remember back, but everybody wanted to go. The Battle of the Bulge had just occurred, where my distinguished colleague here served. All of our high school class suddenly recognized that from this great and powerful Nation, for those 3 weeks of the Battle of the Bulge, there was an element as to when we would eventually have the victory for which we all prayed. It was no big deal. It was exciting.

I have always looked back on my modest service of less than 2 years because the war ended rather unexpectedly. We were all trained to go into the Pacific as the war in Europe had stopped. We were prepared to go aboard our ships as replacements for those who endured months and, in most instances, years of service. We talk about the youngsters who went off for 6 months today, or even for a year. But in those days, it was not unusual to be gone for 3 years and never go back home. We were all prepared as youngsters to go and were quite willing, well-trained, beautifully educated in our respective responsibilities. I was a radio-radar technician.

That was the spirit of America, which was totally unified behind us. My colleague paid homage, most appropriately, to the home front. I think Senator INOUYE said the Nation won the war, which is true. Behind all of the military people were hundreds of thousands at home.

What beautiful eloquence here today. It has been an enriching experience. Yes, I, too, think the medals should have gone to our parents, as Senator INOUYE said. My mother and my father died. He served in World War I in the trenches as a doctor, wounded and decorated. I was brought up knowing he and my mother had been associated with the Red Cross and tended the wounded. They would have expected their son to go, as did all parents in those days.

I served later in the Marines—that time as a staff officer in combat zones, but always in support of those in combat arms and in the air. I never claimed the title of a combat soldier. I am proud to have served with the distinguished men who did. They have been my big brothers. There have been 114 who served this body from World War II. I expect that in my 26 years, I served with half of them. I had a younger brother but never a big brother. Now I have had all these wonderful veterans who trained me. I would not be in the Senate had it not been for the discipline, sense of mission, self-reliance, and the sense that you owe a debt to your buddies in the military and others who helped you in life.

Lastly, the GI bill was the greatest investment ever made by this Nation for a generation. How proud all of us in this Chamber are today that we have continued that educational program, such that the current men and women in the Armed Forces are able to get those benefits, as did we, and hopefully they can have the careers we have had.

This is such a magnificent nation in which we live and we are so grateful. I am deeply humbled to be the youngest, the most inconspicuous, and the most modest in terms of military service, of all to participate on this memorable day. I express our appreciation first and foremost to God Almighty who for one reason or another spared those who have come to this Chamber, having served in World War II, to our parents, and to our buddies, fellow sailors, airmen, and marines with whom we served. I am grateful to our leaders who had the concept to bring this

memorable hour for all of us to share in and express our deepest gratitude.

I yield the floor.

Mr. DASCHLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

AMENDMENT NO. 3260, AS MODIFIED

Mr. WARNER. Madam President, we had a very important meeting between the distinguished chairman of the Appropriations Committee and the distinguished ranking member, Mr. BYRD. As a result of their consultation and advice to the distinguished Senator from Michigan and myself, I send to the desk a modified amendment.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, it is so ordered. The amendment is so modified.

The amendment (No. 3260), as modified, is as follows:

(Purpose: To authorize appropriations for a contingent emergency reserve fund for operations in Iraq and Afghanistan)

On page 239, between lines 2 and 3, insert the following:

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS FOR A CONTINGENT EMERGENCY RESERVE FUND FOR OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated by this Act, there is hereby authorized to be appropriated for the Department of Defense for fiscal year 2005, subject to subsections (b) and (c), $25,000,000,000, to be available only for activities in support of operations in Iraq and Afghanistan.

(b) SPECIFIC AMOUNTS.—Of the amount authorized to be appropriated under subsection (a), funds are authorized to be appropriated in amounts for purposes as follows:

(1) For the Army for operation and maintenance, $14,500,000,000.

(2) For the Navy for operation and maintenance, $1,000,000,000.

(3) For the Marine Corps for operation and maintenance, $2,000,000,000.

(4) For the Air Force for operation and maintenance, $1,000,000,000.

(5) For operation and maintenance, Defense-wide activities, $2,000,000,000.

(6) For military personnel, $2,000,000,000.

(7) An additional amount of $2,500,000,000 to be available for transfer to—

(A) operation and maintenance accounts;

(B) military personnel accounts;

(C) research, development, test, and evaluation accounts;

(D) procurement accounts;

(E) classified programs; and

(F) Coast Guard operating expenses.

(c) AUTHORIZATION CONTINGENT ON BUDGET REQUEST.—The authorization of appropriations in subsection (a) shall be effective only to the extent that a budget request for all or part of the amount authorized to be appropriated under such subsection for the purposes set forth in such subsection is transmitted by the President to Congress after the date of the enactment of this Act and includes a designation of the requested amount as an emergency and essential to support activities in Iraq and Afghanistan.

(d) TRANSFER AUTHORITY.—(1) Of the amount authorized to be appropriated under subsection (b)(7) for transfer, no transfer may be made until the Secretary of Defense consults with the Chairmen and Ranking Members of the congressional defense committees and then notifies such committees in writing not later than five days before the transfer is made.

(2) The transfer authority provided under this section is in addition to any other transfer authority available to the Department of Defense.

(e) MONTHLY REPORT.—The Secretary of Defense shall submit to the congressional defense committees each month a report on the use of funds authorized to be appropriated under this section. The report for a month shall include in a separate display for each of Iraq and Afghanistan, the activity for which the funds were used, the purpose for which the funds were used, the source of the funds used to carry out that activity, and the account to which those expenditures were charged.

Mr. WARNER. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I know my good friend from Virginia is going to have to leave the Chamber in a moment, but before I make some remarks in general about our colleagues who are World War II veterans, while he is here I want to say what a privilege it has been for me, for 26 years now almost, to serve with JOHN WARNER of Virginia. I cannot think of a person who is more decent, civil, and gentlemanly, and the way in which he runs our committee is truly a model. He is part of a great tradition of committee chairmen whom he has noted many times whom he and I have served with, and whom he knew long before I did. He serves as chairman of the committee that represents our Armed Forces in this country and he does it with extraordinary diplomacy.

So even though it is not the Foreign Relations Committee, it is the committee of our Armed Forces. He is noted for his gentleness and civility. I am sure he learned some of this modesty as a member of the ''greatest generation,'' because they do not talk about what they did in World War II. As a matter of fact, this last Memorial Day I spent a lot of time with our veterans, their kids, their grandkids, and their great-grandkids, urging those kids and grandkids to get those veterans to share their histories because they are not going to volunteer it. They are not going to initiate any discussion about the events of World War II; they are too modest.

I do not know whether that is where my dear friend from Virginia got that wonderful modesty of his, that self-effacement, but from wherever he got it, it is treasured by every Member of this body and on this occasion I address him as a World War II veteran. Before I make my remarks about all of our other colleagues, I want to tell him what a treasured relationship this has been, and I thank him for his service.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. May I thank my dear friend. I do not in any way deserve what he said, but he and I do reflect often on how we got where we are and that is because of men such as Jackson, Stennis, Goldwater, and Tower, and the greats whom we have served under as chairmen of this committee.

The Senator from Michigan has been chairman of the committee. I have been chairman of the committee. We were trained by the best and we learned so much of what we practice today from those great teachers, Senators, of towering strength and wisdom. I thank my friend for sharing his thoughts with me. In every sense, he emulates those titans and giants who have run this committee.

Mr. LEVIN. I thank my friend.

I want to add one other thing, and that is the way in which he was able to modify the amendment is typical of the way Senator WARNER works. I will not go into the details because it is probably not even appropriate, but there were some differences on the wording of this amendment. He worked with some real giants in this Senate—Senator BYRD, Senator STEVENS, Senator INOUYE—to find a way to work through this difference. To the outside world, it would look like a very minor modification and in the scheme of things it probably is a modest modification, but it took some real effort, some real diplomacy, and some real willingness to look for the path through the bramble, and the Senator from Virginia found it. It was very typical. He sent an amendment to the desk and in about 4 seconds it is done, but it took a lot more than 4 seconds. It took the special character and the special approach of my dear friend from Virginia.

I thank him for his service as a World War II veteran, as well as all of our other colleagues.

This past weekend, the Memorial Day weekend, the Nation paused to dedicate the newly completed World War II Memorial and pay a long overdue tribute to the 16 million Americans who served in the Armed Forces During World War II, the more than 400,000 who died, and the millions who supported the war effort here at home.

The World War II Memorial is inscribed with many poignant quotes, including the words of President Harry S Truman: ''Our debt to the heroic men and valiant women in the service of our country can never be repaid. They have earned our undying gratitude. America will never forget their sacrifices.'' These words reflect the sentiments of countless Americans. All of us owe a tremendous debt to this ''greatest generation'' which sacrificed so much to protect our freedom and liberty.

Over this past weekend, I was privileged to meet with hundreds of these

veterans and their families who made the journey to Washington, D.C., from Michigan for the dedication of the monument. I heard many inspiring personal stories of these men and women. Nearly all spoke of the memory of those who did not return.

Those who were in Washington represented thousands and thousands of veterans who died in war, and those who were unable to make this journey and those who did not live to see the memorial constructed.

It was particularly moving to witness the pride that the sons and daughters, and the grandchildren, of these veterans took in their service. America will remember.

We in Michigan, in particular, are also mindful of the tremendous effort made ''back home'' by those who supported the war effort. Our State became known as the ''Arsenal of Democracy''. From jeeps to tanks to bombers to artillery, and even ambulances, the industrial strength of Michigan turned to production of the tools needed by those on the front lines. As National Geographical Magazine noted in 1944: ''It does not take long, in Michigan, to realize you are on a real battle front. The industrial sections roar with machinery.''

We, in the Senate, are fortunate to serve with six of these heroic veterans. These are my friends and colleagues and I value each of them for the many important contributions they have made to the Nation in this body. But, today, I salute them for their courage and for their sacrifice as young men in World War II and because they collectively represent millions of Americans who did their duty in their Nation's hour of need. Senator AKAKA of Hawaii, Senator HOLLINGS of South Carolina, Senator LAUTENBERG of New Jersey, Senator INOUYE of Hawaii, Senator STEVENS of Alaska, and Senator JOHN WARNER of Virginia—you have my admiration, my respect and my thanks.

We cannot ever repay the debt we owe to those who fought in our defense during World War II and those who supported their efforts on the homefront. This week, we have taken an important step in assuring that America will never forget their valor and their sacrifice. And, even as we do so, we think of and we honor the courage and commitment of our armed forces today in Iraq and Afghanistan fighting the enemies of freedom and democracy. These men and women, too, like the millions of Americans before them, have answered the call.

Mr. BYRD. Mr. President, on May 12, 2004, the President sent to Congress an amendment to his fiscal year 2005 budget request that would add $25 billion for the cost of the ongoing wars in Iraq and Afghanistan. The President's request amounted to a blank check: There were virtually no strings at all on how those funds could be used.

Senator WARNER, as chairman of the Armed Services Committee, held a hearing, at my request, on the day after this $25 billion request was sent to Congress. Members of the committee were nearly unanimous that Congress should not sign away its power of the purse by giving a rubberstamp approval to the President's proposal.

After reviewing the President's request, I developed several proposals to strengthen congressional oversight over the President's request. The funds should be authorized in discrete appropriations accounts for the missions in Iraq and Afghanistan. Reasonable limits should be placed on transfer authority, so that this budget request would not become a blank check. Needed funding for the Coast Guard operations in the Persian Gulf should be included in the $25 billion requested by the President.

Senator WARNER, Senator STEVENS, Senator LEVIN, and Senator INOUYE worked diligently to include my proposals in the amendment that is now before the Senate. Funds have been placed in regular appropriations accounts in order to promote oversight. The amount of funds that can be transferred to other accounts has been reduced from 100 percent to a reasonable 10 percent. Anticipated costs for Coast Guard operations have been funded.

I commend Senator WARNER and Senator STEVENS for their work on this amendment. I thank Senator LEVIN and Senator INOUYE for their steadfast efforts in working to provide the necessary funding for our troops while preserving the power of the purse. I would also like to thank Senator REID for his work in bringing this bipartisan amendment to a vote.

Approval of a this amendment is but one step in providing the necessary support to our troops in a manner that promotes accountability and oversight by the Congress. In the coming days, the Appropriations Committee will take up the Defense Appropriations bill. The Senate should build on its work here to insure that the appropriations bill includes similar provisions that preserve the power of the purse that resides with Congress. I look forward to working with my colleagues on that bill, in the same bipartisan manner as we did today, to support our troops and protect the Constitution.

Mrs. BOXER. Mr. President, since 2002, I have raised serious concerns about this administration's policy on Iraq, including the President's failure to plan for post-war Iraq and his inability to convince much of the world to share the burden by providing troops and funding.

However, I will support the President's request for $25 billion to support our military men and women who are serving so bravely under extremely difficult conditions.

When the President initially requested this additional funding on May 12, it was a blank check. It allowed the President to spend funds on any account within the DoD for any purpose having to do with Iraq or Afghanistan. Because of the good work of many in this Chamber, on both sides of the aisle, the Warner amendment is a significant improvement on the President's initial request.

The Warner amendment ensures that $20 billion of the $25 billion request will be spent on the operation and maintenance accounts of the Armed Forces and that $2 billion will be dedicated solely to the military personnel accounts. This is vastly different from the President's request, which would have given him the authority to spend the $25 billion in any manner in which he thought appropriate.

The Warner amendment also contains an important provision that requires a monthly report to Congress on the use of this $25 billion authority. With this reporting requirement, Congress can ensure that every penny is being used for the well-being of our military men and women who are serving this country with great honor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent that the vote scheduled for 6:30 this evening now occur at 6 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL) and the Senator from Illinois (Mr. FITZGERALD) are necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—95

Akaka	Biden	Bunning
Alexander	Bingaman	Burns
Allard	Bond	Byrd
Allen	Boxer	Cantwell
Bayh	Breaux	Carper
Bennett	Brownback	Chafee

Chambliss	Gregg	Murray
Clinton	Hagel	Nelson (FL)
Cochran	Harkin	Nelson (NE)
Coleman	Hatch	Nickles
Collins	Hollings	Pryor
Conrad	Hutchison	Reed
Cornyn	Inhofe	Reid
Corzine	Inouye	Roberts
Craig	Jeffords	Rockefeller
Crapo	Johnson	Santorum
Daschle	Kennedy	Sarbanes
Dayton	Kohl	Schumer
DeWine	Kyl	Sessions
Dodd	Landrieu	Shelby
Dole	Lautenberg	Smith
Domenici	Leahy	Snowe
Dorgan	Levin	Specter
Durbin	Lieberman	Stabenow
Ensign	Lincoln	Stevens
Enzi	Lott	Sununu
Feingold	Lugar	Talent
Feinstein	McCain	Thomas
Frist	McConnell	Voinovich
Graham (FL)	Mikulski	Warner
Graham (SC)	Miller	Wyden
Grassley	Murkowski	

NOT VOTING—5

Baucus	Edwards	Kerry
Campbell	Fitzgerald	

The amendment (No. 3260) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. ALLEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. TALENT. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

WILLIAM HOUGHTON

Mr. REID. Mr. President, I rise today to congratulate Mr. William Houghton on his selection by the Small Business Administration as the 2004 Nevada Small Business Person of the Year. It is my honor to recognize Mr. Houghton's achievement, as well as the hard work and ingenuity he has displayed in building his own business over the past 12 years.

The story actually begins in 1987, when Mr. Houghton got a job with a Las Vegas company that distributed business forms. His pay was just $5 an hour but he set his sights much higher.

In 1992 he became a partner with his former boss, and they formed their own firm called Horizon Business Systems. They started with one employee and did about $500,000 worth of business the first year.

Mr. Houghton eventually bought out his partner, and took on the challenge of overseeing the company's transition through the rapid technological developments of the late 1990s. His good business sense and strong leadership helped the business grow, and today it employs 12 workers and logs more than $2.2 million in sales.

Small businesses such as Horizon Business Systems are the engine that powers our Nation's economy, representing 99.7 percent of all employers, employing more than half our Nation's private sector workers, and creating up to 80 percent of all net new jobs annually.

In this spirit, the SBA's Small Business Person of the Year award seeks to acknowledge the critical role of small businesses in creating jobs and spurring economic growth, and the successes of individual small business owners throughout the country.

Please join me in congratulating Mr. William Houghton on the remarkable success of his business and on his selection as the 2004 Nevada Small Business Person of the Year.

JESSICA BARIS

Mr. REID. Mr. President, I rise today to congratulate Jessica Baris, a junior member of the American Legion Auxiliary L.D. Lockhart Unit 14 of Nevada, on her impressive commitment to academic excellence and community service.

It is always an honor to recognize a talented young person, and Jessica certainly fits that description. She has given generously of her time to many worthy causes, including serving more than 350 hours as a student tutor for young children in her community.

She also has helped organize several charitable events, including a fundraiser for Share Our Strength, an organization that fights hunger and poverty throughout the world.

Jessica also organized a clothing drive for needy children abroad. Most of the clothing was sent to U.S. serviceman in the Philippines, who distributed the items to local children. Her efforts not only helped those children, but also afforded our soldiers with a great opportunity to build goodwill in an important part of the world.

Jessica also received a grant from the United Way to create a ''Wall of Peace'' for Make a Difference Day. By organizing 20 teams of students to produce murals, the project spread awareness of the importance of tolerance and kindness in her school and community. Jessica wrote an essay on this project for the National Endowment for the Humanities' Idea of America contest that was recognized by First Lady Laura Bush at a White House ceremony.

She also participated in an essay contest sponsored by the Sons of the American Revolution, winning an award for her essay on the contributions of the unsung heroes of our Armed Forces.

Jessica's hard work and dedication to service culminated this year in her selection for a $25,000 college scholarship from AXA Financial Services. This young woman has tremendous potential, and I expect great things from her in the future. Please join me in congratulating Jessica Baris on her many impressive achievements.

ROTARY CLUB OF TONOPAH

Mr. REID. Mr. President, I rise today to congratulate the Rotary Club of Tonopah on its 80th anniversary. It is my honor to recognize the Tonopah club on this important milestone, which marks the lasting contributions of its members to the civic and economic life of the community.

Rotary is a worldwide organization of business and professional leaders dedicated to high ethical standards and humanitarian service. Approximately 1.2 million Rotarians belong to more than 31,000 Rotary clubs located in 166 countries.

The third oldest club in the State of Nevada, the Rotary Club of Tonopah received its charter on June 2, 1924. With the sponsorship of the Rotary Club of Reno, the Tonopah club's 19 charter members laid the foundation for an important and enduring institution in their community.

Since then the Tonopah club has embraced the high ideals of Rotary. The members of the club have developed opportunities for service in Tonopah, maintained high ethical standards in business and professional ventures, and done countless things to improve the quality of life in Tonopah, NV, and our Nation.

Please join me in congratulating the Rotary Club of Tonopah on its 80th anniversary and wishing its members the best of luck as they continue their work and service.

PRESIDENTIAL SCHOLARS 2004

Mr. REID. Mr. President, I rise today to congratulate Chase Correia of Galena High School in northern Nevada and Jeremee Peters of The Meadows School in Las Vegas on their selection as 2004 Presidential Scholars.

This award reflects a lot of hard work and a strong commitment to academic excellence on the part of the individual students as well as their schools.

The United States Presidential Scholars Program was established in 1964 by an Executive order of President Lyndon B. Johnson. Each year the program honors 141 students based on their academic success, artistic achievements, leadership and involvement in their school and community.

Chase and Jeremee are both exemplary students in these respects. Chase has a passion for science, has interned in a cancer research center, and is a member of the Reno Youth City Council. Jeremee is the valedictorian of her class, a very accomplished Spanish student, and a volunteer who teaches

young girls to play softball. Both Chase and Jeremee also have given generously of their time in volunteer service at local hospitals.

As Presidential Scholars, Chase and Jeremee will be invited to Washington, DC, along with their families and their most influential teachers, to participate in a variety of activities including panel discussions and a ceremony sponsored by the White House.

I would like to take a moment to recognize Chase and Jeremee's influential teachers: Ms. Kathleen Small and Ms. Karen E. Cox. As someone whose own life was transformed by education, I know first hand the value of good teachers and mentors like Ms. Small and Ms. Cox. Their commitment to Chase and Jeremee's education, and to the education of all their students, is truly commendable.

The State of Nevada can take great pride in Chase and Jeremee's accomplishments. They have tremendous potential, and we all expect great things from them. Please join me in congratulating Jeremee and Chase on their impressive accomplishments.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, today I speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On May 26, 2001, in Manteca, CA, Linell Reese was charged with a hate crime for allegedly attacking a man while yelling antigay epithets.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING OUR ARMED FORCES

SPECIALIST MICHAEL J. WIESEMANN

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man who went to high school in North Judson, IN. SP Michael J. Wiesemann, 20 years old, died at the Forward Operating Base Q-West, Quyarrah Air Base, Iraq, on May 29, 2004.

Michael graduated from North Judson-San Pierre High School in 2002 and joined the Army as a steppingstone to college and a better life, according to his mother. After joining the Army, Michael became a cavalry scout and was assigned to the Army's 1st Squadron, 14th Cavalry Regiment, 3rd Brigade, 2nd Infantry Division, out of Fort Lewis, WA. With his entire life before him, Michael chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Michael was the 28th Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. This brave young soldier leaves behind his mother, Karen; his stepfather, Robert; and his fiancée, Abby Trusty, whom he met in high school.

Today, I join Michael's family, his friends, and the entire North Judson community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. During his dedicated military service, Michael earned the Global War on Terrorism Service Medal and an Expeditionary Medal. It is his courage and strength of character that people will remember when they think of Michael, a memory that will burn brightly during these continuing days of conflict and grief.

When looking back on the life of her former student, Michael's high school English teacher, Carolyn Wyller told the Indianapolis Star that Michael ''was artistic and had a good sense of humor.'' Family and friends say Michael was known for his love of laughter and his big heart. Today and always, Michael will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Michael's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Michael's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Michael J. Wiesemann in the official Record of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Michael's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Michael.

IMPORTATION OF PRESCRIPTION DRUGS

Mr. ENZI. Mr. President, I have never supported a bill that would allow for the importation of prescription drugs—until today.

I have decided to cosponsor Senator GREGG's bill to permit the carefully regulated importation of drugs approved by the Food and Drug Administration. The bill also would regulate the dispensing of medications by Internet pharmacies and strengthen the laws and regulations that protect Americans from the dangers of counterfeit drugs.

I have long opposed drug importation on the grounds that current laws, regulations, and practices are insufficient to allow for the safe opening of our currently closed drug distribution system. I have said that I could not support any plan to legalize drug importation that does not ensure that the drugs that are imported are safe, effective, and will not compromise the integrity of our Nation's prescription drug supply or our world-leading pharmaceutical research.

With that in mind, Senator GREGG's bill is the first piece of legislation I have seen that would craft an importation system with the appropriate safeguards and limitations necessary to protect the public health. Senator GREGG's bill would allow importation of FDA-approved drugs manufactured in FDA-inspected facilities only. His bill would permit the importation of drugs from Canada only, with the possibility that the FDA could approve importation from other countries in the future. His bill would also provide additional tools and resources for the FDA to use to protect American citizens from tainted or counterfeit drugs, and from scam artists selling medications on the Internet.

Senator GREGG has introduced a strong bill that addresses my concerns about the safety of drug importation and Internet pharmacies, and it's the only bill I've yet seen that I could support.

My main outstanding concern is that Senator GREGG's bill does not address the liability that sellers, distributors, and manufacturers of prescription drugs may face even under a regulated system of drug importation.

Our jurisdiction over foreign companies or individuals in the chain of drug distribution is limited at best. Irresponsible actions on their part could put responsible American companies and individuals at risk of substantial monetary liability. Without liability protection, American companies and individuals may choose not to participate in drug importation, which would defeat the purpose of enacting this legislation in the first place.

As this legislation moves in the Senate, I look forward to working with Senator GREGG, the other cosponsors of his bill, and other interested Members to address these concerns through sensible liability protections for sellers,

distributors, and manufacturers of prescription drugs.

I want to be clear on an important point: importing prescription drugs from other countries will not solve the problem of rising drug prices. Our market for prescription drugs is so large that we can not import enough lower-priced medications from other countries to make a significant impact on prices here.

There are many other ways that Congress is helping Americans afford their prescription medications. Just yesterday, for instance, the new Medicare drug discount cards went into effect. The cards offer savings of 10 to 25 percent or more off the current retail prices seniors pay, and seniors with low incomes also qualify for a $1,200 credit over the next 18 months to help pay for prescriptions.

Nevertheless, millions of Americans are still buying prescription drugs in Canada and other countries, or purchasing drugs from Internet pharmacies that operate outside the United States. Despite the fact that importing prescription drugs is against the law today, these Americans are taking their lives in their hands by going outside our closed drug distribution system and obtaining their prescription medicines from pharmacies and Internet sites that do not meet the high standards that we require domestically.

Right now, the Federal Government and State governments are looking the other way, crossing our fingers and hoping that no one gets hurt. So I am cosponsoring Senator GREGG's bill to put a strong and enforceable system in place to protect Americans against the dangers inherent in importing drugs from other countries. I also intend to work with Senator GREGG to oppose any election-year political maneuvering that would weaken the critical safety components of his legislation as we consider the bill in the Health, Education, Labor, and Pensions Committee, and on the Senate floor.

ENACTMENT OF THE STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT ACT

Mr. LEAHY. Mr. President, I am pleased that the House of Representatives has now passed the Standards Development Organization Advancement Act, an important piece of legislation on which both parties and both Chambers have been able to reach accord. It is now on its way to the President's desk, and I am confident that he will sign it into law.

In April of this year, Senator HATCH, Senator KOHL, Senator DEWINE, and I worked to craft a bipartisan, fair version of this bill that will promote the development of technical standards while preserving antitrust laws that enhance competition. It has been rare during this Congress to achieve the type of consensus generated by our bill, and it illustrates what we can accomplish when both parties work together. This is an example of how Congress should function. I must also express my gratitude to Chairman SENSENBRENNER for all his efforts in the House of Representatives, not only for his critical role in shaping this legislation but also for the expeditious way he shepherded the bill through the House.

As I have noted many times, technical standards serve a vital if unseen role in allowing for interoperability of products and making sure that the goods we buy are safe and effective. Whether for airbags or for fire retardant materials, without technical standards, consumers would be less likely to make the purchases that fuel the engine of the U.S. economy. Even more important, aspects of our lives that we consider routine—perhaps even mundane—would take on added dangers without standards that allow consumers to feel confident that a given product is safe and reliable.

There is, however, an unavoidable tension between the antitrust laws that prohibit businesses from colluding and the development of technical standards, which require competitors to reach agreement on basic design elements. The Standards Development Organization Advancement Act eases this tension, allowing standards development organizations to continue their important work while preserving our antitrust laws that enhance competition and protect American consumers.

Without creating an antitrust exemption, the Standards Development Organization Advancement Act will allow standards development organizations to seek review of their standards by the Department of Justice or the Federal Trade Commission prior to implementation. This ''screening'' phase will not let a standards development organization escape penalty for a regulation that a court later rules is in violation of antitrust laws, but it will limit the organization's liability to single damages rather than the treble damages levied under current law.

Additionally, the bill amends the National Cooperative Research and Production Act of 1993, by directing courts to apply a ''rule of reason'' standard to standards development organizations and the guidelines they produce. Under existing law, standards may be deemed anticompetitive by a court even if they have the effect of better serving consumers. This legislation gives our courts the needed ability to balance the competing interests of safety and efficiency against any anticompetitive effect—it is a capability our courts need in order to fairly administer justice. Back in the 103rd Congress, I introduced the Senate version of the National Cooperative Production Amendments Act of 1993, and I am glad that we can today build on our earlier successes.

Title II of the Standards Development Organization Advancement Act also addresses several areas of our antitrust laws that merit updating, as our experience with the actual practice in the world has shown. Most importantly, it will eliminate the disparity between the treatment of criminal white collar offenses and antitrust criminal violations—a provision Senator HATCH and I had introduced in S. 1080, the Antitrust Improvements Act of 2003—and it will update and improve the Justice Department's amnesty program in the criminal antitrust context. It will also make some practical adjustments to the language of the Tunney Act. Finally, it will allow a judge to order publication of the comments received in a Tunney Act proceeding by electronic or other means. This provision will make these documents more accessible to the public while saving taxpayers the costs of paper publication.

I am glad that we can send to the President this bill that makes so many useful, fair, and bipartisan changes.

AMERICA'S FARMERS AND OBESITY

Mr. BROWNBACK. Mr. President, over the past 2 weeks, more than 2,000 farmers—including over 600 from Kansas, the most from any State—have signed a petition that will be sent to ABC News and TIME magazine today or tomorrow. The signers of this petition are to be commended.

Their request is simple. They want to ensure that their voices are heard in an upcoming summit on obesity sponsored by the two news outlets. At this summit, and in subsequent media coverage, ''experts'' will attempt to link Federal support for America's farmers to the country's obesity epidemic.

The individuals who signed the petition are frustrated, and rightfully so. This summit is a follow-up to the December news special, ''How to Get Fat Without Really Trying,'' where ABC dedicated more than 15 minutes of airtime to bash Federal support for farmers.

Unfortunately, no one from the agricultural community was afforded the opportunity to defend farming families or the policies on which they depend. And don't expect too many farmers to be on hand to defend themselves at the upcoming summit either, not with a $2,000 registration fee.

The agriculture community is not alone in its frustration. I am frustrated, too. So are many of my colleagues, like Senators BURNS and LINCOLN, who have also been vocal in their opposition to those who would blame farmers for America's bulging waistlines.

In the December special, Peter Jennings claimed ''not many people in the government have made the connection between subsidies to agriculture and obesity.'' At least ABC got one thing right. We haven't made that connection, because there is no connection to be made.

Consider this: federal farm support has been in place since the 1930s. Yet,

obesity is only a recent problem. Other nations that don't have obesity problems provide subsidies to their farmers to produce many of the same commodities grown in the U.S. The European Union, for example, doles out six times the subsidies that we do, yet obesity is less of a problem in the EU than here in America. Federal support is not causing drastically higher levels of production, as some suggest. In fact, America produced more wheat 20 years ago than today. Corn harvested for human consumption has only seen moderate increases from 10 years earlier. And soybeans—another commodity unfairly linked to obesity—experienced supply issues over the past year. According to USDA consumption statistics, Americans consume much less wheat than consumers in other countries that don't suffer widespread obesity problems. Data from the Centers for Disease Control indicate that in the past 20 years, the calorie intake of American kids has risen only about 1 percent, an increase that's in keeping with their increased heights. The big change is that they now get 13 percent less exercise.

Bottom line: America needs farmers. And farmers need a strong Federal farm policy.

America's farmers deserve our praise. They deserve our thanks. What they don't deserve is to be blamed for America's obesity.

COMMISSION TO STUDY THE POTENTIAL CREATION OF A NATIONAL MUSEUM OF THE AMERICAN LATINO COMMUNITY ACT OF 2004

Mrs. BOXER. Mr. President, before the Memorial Day recess, I joined with Senators HATCH, BINGAMAN, and HUTCHISON in introducing the Commission to Study the Potential Creation of a National Museum of the American Latino Community Act of 2004.

This legislation would create a national commission to study and plan for a National Museum of the American Latino, possibly in Washington, DC. Congressman XAVIER BECERRA and the Congressional Hispanic Caucus have sponsored companion legislation in the House.

Throughout our Nation's history, Latinos have enriched our culture and economy, and contributed to our national defense. In every American war and conflict, Latinos have served honorably next to their fellow Americans. It is time for our Nation's history and public institutions to fully recognize and celebrate our Latino community.

Though Latinos have been the largest ethnic minority group in California for some time, the Census Bureau recently reported that Latinos are now the largest minority group in the country and have grown in population in every region. As of July 2002, there were 38.8 million Latinos in the United States. One out of every three of these Latinos is under the age of 18. Also, the southern states other than Texas have seen the population of Latinos double between 1990 and 2000. The size, youth, and growth of this population ensure that American Latinos will continue to play a critical role in every region of the country and in every aspect of American life. As a result, a greater understanding of this population and its history will benefit all Americans.

The American Latino experience in the United States has a history as long as the Nation is old. From families with Puerto Rican and Dominican origins in New York to those with Cuban blood in Miami to the giant Mexican American and Central American communities in California and numerous other communities in every region of the country—American Latinos share a host of common values and similar experiences. A National Museum of the American Latino would help the larger American family celebrate this community's history and diversity.

The Smithsonian Institution is the world's largest museum and research complex, with 16 museums in the District of Columbia and New York City. The Smithsonian Institution museums, especially those on the National Mall, play a unique and important role in educating visitors to the Nation's capital about America's history, arts, and culture. The American people and international visitors recognize the Smithsonian Institution as the premier American museum, representing the vast diversity of cultural history of the United States. It is worth examining the potential for adding a National Museum of the American Latino to the Smithsonian family.

After extensive dialogue, conferences, and collaboration among educators, scholars, and community leaders as well as museums, universities, cultural, and public institutions, a task force appointed to examine the Smithsonian Institution's representation of American Latinos in its permanent exhibits and other public programs published ''Willful Neglect: The Smithsonian Institution and U.S. Latinos'' in May 1994 and ''Toward a Shared Vision: U.S. Latinos and the Smithsonian Institution'' in October 1997. The reports indicate that the Smithsonian historically had a poor record of representing Latinos. This criticism led to the creation of the Smithsonian's Center for Latino Initiatives in 1998.

The Center for Latino Initiatives has increased the profile of Latino arts and culture and deserves credit for promoting diversity and understanding of American Latino culture among the Smithsonian's visitors. The Center's short history has shown that American Latino exhibits and programs are well received by the public and by the Latino community, which benefits from having some representation at the Smithsonian. Still, the level of representation at the Smithsonian of the Latino community is far from where it should be given the American Latino history, demography, and contributions to the American cultural landscape.

I thank Senators HATCH, BINGAMAN, and HUTCHISON for joining with me in introducing this bill. I look forward to working with them to pass this legislation, and I encourage all my colleagues to join us in this effort.

ROMA STILL WAITING FOR THEIR ''BROWN V. BOARD OF EDUCATION''

Mr. CAMPBELL. Mr. President, 2 years ago, the United States Helsinki Commission, which I co-chair, held its third hearing on the human rights problems faced by Roma. At that time, we gave particular attention to the barriers Roma face in the field of education. As the OSCE High Commissioner on National Minorities said in his very helpful report on Roma in OSCE region, ''exclusion of Roma extends to every sphere of social life, perhaps nowhere with more far-reaching and harmful effect than in respect of schooling.''

In other words, ensuring equal access for Roma in the fields of education is an essential element for their integration in other areas of life. The World Bank and United Nations Development Program have also emphasized, in their reports, that integration in education is an essential ingredient for improving the overall conditions in which Roma live.

Last month, as our own country was commemorating the Supreme Court's historic decision in Brown v. Board of Education, the European Roma Rights Center issued a report entitled ''Stigmata: Segregated Schooling of Roma in Central and Eastern Europe.'' This report evaluates practices and policies in Bulgaria, the Czech Republic, Hungary, Romania, and Slovakia and describes the most common ways of segregating Romani children from non-Roma: channeling Roma into so-called ''special schools'' for children with developmental disabilities; the de facto segregation that goes hand-in-hand with Romani ghettos; having mixed population schools where Romani children are segregated into all-Romani classes; and the refusal of some local authorities to enroll Romani children in mainstream schools.

The European Roma Rights Center report concludes that, unfortunately, ''with the exception of Hungary, concrete government action aimed at desegregating the school system has not been initiated to date.'' It is surely not a coincidence that Hungary is also the only country in Europe where the mainstream political parties have started to compete for the Romani vote—both developments which reflect meaningful steps towards the real integration of Roma in that country.

As the European Roma Rights Center notes, segregated schooling is the result of many factors which conspire together—not the least of which is the

pernicious stereotype that Romani culture is somehow incompatible with education. This fiction continues to be widely held and disseminated by the media, by government officials and public leaders, and sometimes even by the representatives of respected international organizations. Frankly, this myth needs to be debunked.

In reality, before World War II, there was no country in Europe that allowed Roma to attend school and maintain their language and cultural identity at the same time. Formal schooling, by definition, meant forced assimilation. It is amazing testimony to the strength of Romani culture that—after centuries as a dispersed people in Europe, after slavery in Romania and Moldova, after forced assimilation campaigns, and after the Holocaust—Romani identity has survived.

For most Roma in Europe, concentrated in countries that fell behind the Iron Curtain, it is only the context of a post-communist world, a Europe which has now recognized the rights of ethnic and linguistic minorities, that the theoretical opportunity to be educated without having to hide or surrender one's Romani identity is within grasp. Kids like Elvis Hajdar, the Romani-Macedonian computer whizkid the Christian Science Monitor profiled in April, embrace this opportunity.

For many other Roma, however, educational opportunities remain only distant and only theoretical. And, contrary to popular mythology, it is not Romani culture that holds them back, but crushing poverty and entrenched racism.

Education is the key to breaking the cycle of poverty and it is no surprise that Romani organizations across Europe have made access to education one of their principle demands. Moreover, the ''Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area,'' adopted at the Maastricht Ministerial last December, the OSCE participating states outlined a variety of concrete measures states might undertake to achieve this goal. But desegregation will not just happen on its own. It will take leadership and political will and—as we know from our own experiences after the Brown decision—it may still take many years. The time to get started is now.

OREGON'S DEATH WITH DIGNITY ACT

Mr. WYDEN. Mr. President, last week, the U.S. Court of Appeals for the Ninth Circuit ruled to uphold the Oregon Death with Dignity Act. This ruling is the latest rebuff to U.S. Attorney General John Ashcroft's efforts to overturn Oregon law. The ruling makes clear that contrary to Attorney General Ashcroft's viewpoint, the Controlled Substance Act does not override the constitutional right of a state to regulate medical practice, including the choice of the citizenry to determine whether they want to allow physicians to aid terminally ill patients.

Oregon voters first approved a physician-assisted suicide ballot measure in 1994, but the Oregon legislature did not agree with their decision and put the matter on the ballot a second time. In 1997, Oregon voters overwhelmingly voted once more to allow physician-assisted suicide.

Almost immediately, however, federal politicians 3,000 miles away began efforts to deny Oregon citizens their long recognized right to choose their own course. Over the course of several Congresses, the attempts to overturn Oregon law and the wishes of Oregon voters through general legislation also failed.

Having failed in Congress, I predicted in December 2000, that President Bush would instruct his Attorney General to reinterpret federal law in an effort to invalidate the will of Oregon's voters. The recent ruling by the Court of Appeals for the Ninth Circuit to preserve the Oregon vote is the second setback to the Attorney General's attempts to reinterpret federal law.

Since I was first elected to the United State Senate, I have not wavered in my defense of the choice of the citizens of Oregon. If others see this ruling as an invitation once again to attempt to overturn Oregon law through federal legislation, I will be there again to stand up for my state. Therefore, I want to notify my colleagues that I will be reviewing every piece of legislation that may come before the Senate and will not grant my consent to consider any measure or matter that contains provisions that would overturn the Oregon Death with Dignity Act.

50TH EDITION OF THE NATIONAL ELECTRICAL CODE

Mr. KENNEDY. Mr. President, I welcome this opportunity to bring to the attention of my colleagues a special event taking place next month, when the National Fire Protection Association, NFPA, headquartered in Quincy, MA, will publish the 50th edition of the National Electrical Code.

First published in 1897, the code provides a blueprint for safeguarding schools, hospitals, homes, and workplaces from the potential dangers of electricity. The code is recognized throughout the United States and is used extensively in other nations. In many respects, it is the most widely accepted building construction code in the world. According to Bob Vila, the well-known home improvement personality, the code ''. . . not only promotes best practices, it is also a nearly universal document which helps everyone in the business achieve the safest possible results.''

The wide acceptance of the code as a public safety document is a tribute to the success of the National Fire Protection Association's voluntary consensus process, which is used by the Association to develop many other safety codes and standards as well. The process is accredited by the American National Standards Institute and is the same voluntary consensus process mandated for Federal agencies by Congress in the National Technology Transfer and Advancement Act of 1995.

The National Electrical Code is currently updated every 3 years and is the result of thousands of hours of work by more than 450 representatives of the enforcement community, the construction industry, organized labor, the manufacturing sector, suppliers, and the insurance industry. Before a new edition of the code is published, members of the public are invited to provide input. Upon completion of that process, the document is then voted on for adoption by the entire membership of the Association. By continually updating the code to address new emerging technologies and construction methods, the association has enabled Americans to enjoy an unparalleled level of safety against electrical hazards.

I congratulate the association and the many volunteers who have spent so many hours to make the 50th edition of the National Electrical Code a reality. They deserve the Nation's gratitude for their skill and dedication in providing this extraordinary public service.

BIRTH OF ELIZABETH MERRELL LUGAR

Mr. LUGAR. Mr. President, during this past recess of the Senate, my wife Charlene and I received the joyous news that Elizabeth Merrell Lugar, the newborn daughter and first child of our son, David Riley Lugar, and his wife, Katherine Graham Lugar, had been born on May 25, 2004, at Sibley Memorial Hospital, Washington, DC. Elizabeth was a healthy 7 pounds, 2 ounces at birth. Lawrence Graham and Jane Graham, Charlene, and I greeted our new granddaughter and her parents at a family dinner in their McLean, VA, residence on May 31.

Katherine and David were married on June 3, 2000, in St. David's Episcopal Church, Austin, TX. Katherine, a graduate of the University of Texas, is vice president of government affairs of the National Retail Federation. David Lugar came with us to Washington, along with his three brothers, 27 years ago. He graduated from Langley High School, McLean, VA, and Indiana University and is a partner of Quinn Gillespie & Associates. Both Katherine and David are well known to many of our colleagues and their staff members.

We know that you will understand our excitement and our joy that they and we have been given this divine blessing and responsibility for a glorious new chapter in our lives.

ADDITIONAL STATEMENTS

20TH ANNIVERSARY OF THE URBAN SCHOLARS PROGRAM

● Mr. KENNEDY. Mr. President, this year marks the 20th anniversary of the Urban Scholars Program of the University of Massachusetts Boston. The program was created to provide academically talented students in urban middle and high schools the skills and motivation to achieve their full potential. In 1984, UMass Boston and the Boston Public Schools formed a partnership that helped the first 15 students and the program has grown increasingly ever since. Today, the program lists hundreds of graduates who have gone on to earn undergraduate and advanced degrees.

The Urban Scholars Program is a year-round enterprise featuring rigorous after-school classes, seminars, tutoring and supervised study. In the summer, the program offers a 7-week institute in which students are immersed in science, technology, and humanities courses not offered at their high schools, and many earn college credit for their work. Students and their families make sacrifices to participate, but they work hard, and the results are remarkable.

A study showed that participants in the Urban Scholars Program improved attendance and academic achievement. And over the past 20 years, 100 percent of the Urban Scholars have been accepted at colleges across the country. They have an 85 percent college retention rate, compared to the 50 percent national rate. Investing early in these talented young men and women pays off for the students and the entire community.

UMass Boston deserves great credit for its commitment to this outstanding program, and I especially commend Adaline Mirabal, the director of the program, and Joan Becker, its administrator. Their skillful work and dedication has transformed the lives of these young students, and has demonstrated the immense possibilities of early intervention in bringing a first-class education within reach of every child.●

HECTOR BARRETO, SR.

● Mr. TALENT. Mr. President, I rise today to mourn the passing of a great businessman and a pioneer in the Hispanic community, Mr. Hector Barreto, Sr. The story of his life and his accomplishments are truly inspiring, and his leadership will be sorely missed.

Hector Barreto, Sr. was born in Mexico City and raised in Guadalajara, Mexico. In his early twenties, he immigrated to Kansas City, MO, where he met and married his wife, Maria Luisa. He started out digging potatoes on a farm near Corning, MO, for 80 cents an hour. After saving money from years of work, he was able to start his own restaurant, Mexico Lindo, which means ''Beautiful Mexico.'' Though Mexican restaurants were rare in Kansas City in the 1950s, Hector's business thrived, and its success allowed him to open a second and third restaurant as well as an import company and a construction firm.

In 1979, Hector founded the U.S. Hispanic Chamber of Commerce along with several other Hispanic business leaders. For the last 25 years, the Hispanic Chamber has represented the interests of the Nation's more than 1.2 million Hispanic-owned businesses and harnessed the vast economic potential of Hispanic Americans. Also in 1979, Hector decided to delve into politics, supporting Ronald Reagan's successful Presidential bid and eventually working on his transition team. President Reagan addressed the Hispanic Chamber of Commerce in 1983, becoming the first sitting President to address such a conference.

Hector was also quite proud of his son, Hector Barreto, Jr., who like his father has made a name for himself in both business and politics. Hector Jr. delivered a speech at the Republican National Convention nominating George W. Bush for President, and President Bush later appointed him the administrator of the Small Business Administration.

Hector leaves behind Maria Luisa, his wife of 43 years, his children Hector Jr., Anna, Gloria, Rosa, and Mary, and 12 grandchildren. His efforts opened doors for millions of Hispanics and other Americans, and his legacy as a successful entrepreneur who lived the American Dream will live on.●

TRIBUTE TO THE HONORABLE GLENN CUNNINGHAM

● Mr. CORZINE. Mr. President, on the night of Tuesday, May 25, 2004, New Jersey lost one of its most dedicated public servants, Jersey City Mayor and State Senator Glenn Cunningham. It was a terrible tragedy and terrible loss to the people of Jersey City and New Jersey.

Mayor Cunningham was a compassionate public official who was deeply committed to his city, his State, and his country, serving 4 years in the U.S. Marine Corps before returning home and beginning a life-long career rooted in his pride in Jersey City and his caring for his fellow citizens.

He was a police officer, Hudson County freeholder, Jersey City councilman, and U.S. marshal. He distinguished himself further as a fierce and aggressive fighter for Jersey City as the city's mayor and State senator. His voice was strong and his love for his city boundless.

He worked every day to bring his diverse community together, to unite rather than divide. As the State's first African-American U.S. marshal and Jersey City's first African-American mayor, Glenn Cunningham plowed a path of excellence for others to follow.

Sadly, his tenure as mayor was far too short, and he will be missed by those he served. As Annette McMillian of Jersey City told the Jersey Journal last week, ''He was fair and decent and honest.'' Terry Suarez of Union City added poignantly, ''A light has been darkened by the silence of death.''

I join those who will miss Mayor Cunninghams great energy, creativity, and perspectives on government and public service. On behalf of the people of New Jersey, I extend my deepest condolences to the mayor's widow, Sandra Bolden-Cunningham, and my prayers are with his family and his beloved community of Jersey City.●

COMMENDING THE CAREER OF FRANCES PRESTON

● Mrs. BOXER. Mr. President, Frances Preston, the president and chief executive officer of BMI announced in April that she is stepping down from her leadership role at BMI. Though I know she will continue to play a role at BMI, I take this opportunity to commend her for distinguished and dedicated service to the writers, composers, and publisher of BMI, as well as to the broader creative community.

For many years, Mrs. Preston has successfully guided BMI to a position of international leadership in the entertainment industry. She is one of the industry's most widely admired executives. Fortune magazine has called her ''one of the true powerhouses of the pop music business.''

In large part as a result of her business and creative acumen, BMI today represents legendary artists ranging from Sting to Paul Simon to Shania Twain. And, in the world of public policy, Mrs. Preston has been a strong voice for creators' rights. She also maintains a passionate dedication to a number of charities and serves in a volunteer capacity as the president of the largest medical charity, the T.J. Martell Foundation for Leukemia, Cancer and AIDS Research.

The list of awards Mrs. Preston has received for excellence in industry and public service is too long to list here. They range from being the first nonperforming woman invited to join New York's prestigious Friar's Club in 1993 to the American Women in Radio and Television's Outstanding Achievement Award in 1998 to induction in the Broadcasting and Cable Hall of Fame in 1999. More recent honors include the Touchstone Advocate Award from Women in Music in October 2003 and the NARAS Heroes Award from the New York Chapter of the Recording Academy in December 2003.

Frances Preston has been successful in business, a leader in her community, and generous in her service. She leaves a lasting legacy of leadership and excellence.●

FIFTH GRADE STUDENTS WRITE ELOQUENTLY ABOUT IMMIGRATION AND AMERICA

• Mr. KENNEDY. Mr. President, this year thousands of fifth graders across the United States competed in a writing contest on immigration sponsored by the American Immigrant Law Foundation and the American Immigration Lawyers Association. The students responded to the question, ''Why I'm Glad America is a Nation of Immigrants.''

I had the privilege of serving as one of the judges for the competition, and I was impressed with the students' responses. They radiate with pride for the diversity of America and our immigrant heritage. Many students told personal stories of their families and friends and their immigration to the United States.

The winner of this year's contest is Audrey Kidwell of Clayton, MO. In her essay, ''The Garden of America,'' she explains how immigrants' new roots become ''entwined'' with the roots of others helping us to ''incorporate their strong points into our ever-growing garden.'' The United States has often been compared to a melting pot or a colorful patchwork quilt, and Audrey's eloquent essay adds a new vision of a garden ''watered with kindness and friendship causing us to grow and to flourish.''

Other students honored for their exceptional writing are Camille Allamel of Indianapolis, Sarah Mesterton-Gibbons of Tallahassee, Daniel Pietryla of Chicago, and Sam Sanson of Bay Village, OH. I congratulate these students on their outstanding achievement.

These award-winning essays will be of interest to all of us in the Senate, and I ask that they be printed in the RECORD.

The material follows:

THE GARDEN OF AMERICA

(By Audrey Kidwell, Wilson School, Clayton, MO, Grand Prize Winner)

Many people have said that America is like a melting pot or stew, but I think our country is more of a garden. In a melting pot, all of the ingredients blend together into mush. When you make stew, it all becomes one flavor and nothing stands out. Try as I might, I can't think of any food that is truly able to be associated with America. But a garden is different.

When an immigrant first comes to America, he or she puts out new, young roots into the soil of our heritage. These roots become entwined, almost connected you might say, to other root systems, holding the soil together. With the soil held together, we are saved from erosion. We learn of the ways these people have suffered in their countries, so we know which mistakes not to make. It is good this way because when we learn about other nations, we can incorporate their strong points into our ever-growing garden. For this reason, the sun of freedom always shines over our garden.

Even though we are all different, we all originated as seeds. Some of us are violets or mums, some ferns or vines, but none of us are weeds. We are all beautiful. This is wonderful because in many other places, no one accepts differences. In our garden we all help each other because our roots hold the soil together. Our garden is watered with kindness and friendship causing us to grow and to flourish. These things are good because in other places, the soil crumbles; the plants dry up, but not in America.

I love America because it has so many good qualities. We offer a home to immigrants so that they can be happy. They, in turn, make our nation stronger and help it to thrive. They pass on new traditions to us and enrich our culture. I can't imagine what our garden would be like without immigrants. It would be similar to a garden with only roses. Roses are nice, but I think variety and diversity is better. We are all lucky and should be thankful to be rooted in the garden of America.

AMERICA, THE MOSAIC

(By Camille Allamel, International School of Indiana, Indianapolis, IN, Runner-Up)

Over time, America has become,
A gorgeous mosaic made of precious, living stones.
The jade stands for Asian immigrants,
Who brought mysterious China Towns and fireworks,
Along with sweet and sour chicken.
The ruby symbolizes the Hispanics,
With their juicy burritos and tacos,
Fiestas, mariachis, and piñatas!
The sapphire represents the French,
Down to Louisiana,
Right to Cajun Land,
With jambalaya, gumbo, and zydeco.
The emerald stone is for Italians,
Who have brought pasta and pizza along.
Now, the diamond,
Who is dedicated to this special group,
Forced to make it here,
Because of slavery,
When finally free,
Deciding to stay,
They are the African Americans!
Let's not forget the native turquoise,
Made for the Indians the immigrants have found,
Who have introduced and shared this beautiful land
That we today call America.
There are so many other stones,
Too many to name them all,
These immigrants who brought their history,
Their customs and their ministries,
Together create this grand mosaic,
Making all these people,
United to form America,
In a unique melting pot!!!

WHY I AM GLAD THAT AMERICA IS A NATION OF IMMIGRANTS

(By Sarah Mesterton-Gibbons, Home School, Tallahassee, FL, Runner-Up)

You might not be able to tell from looking at me, that I come from a family of many immigrants. My friends might think that I look ''American,'' but they don't realize that each part of me reflects the characteristics of my ancestors. For example, I got my blonde hair from my Swedish relatives, my green eyes from my Northern Spanish relatives, my fair skin and freckles from my Irish relatives, my short height from my Puerto Rican relatives, and my facial shape from my Finnish relatives.

Immigration is common in my family, and many of my relatives have married people from different countries, faiths and backgrounds. Two of my grandparents and all of my great-grandparents immigrated from different countries, and many of my great-great-grandparents were immigrants, too. My father immigrated here from England. His parents went to England from Ireland. We all have different accents than our looks. And different interests and celebrations.

My friends think it's unusual that we celebrate different holidays and eat different foods, but they also find it interesting. We celebrate Christmas on Christmas Eve as they do in Europe, and also Santa Lucia Day and Midsommar as they do in Sweden. We'd much rather eat rice and beans, chapattis, spanikopita, Cornish pasties and ratatouille than typical American dishes. My sister and I have even learned to cook the dishes ourselves. When we listen to music, we listen to everything from Irish jigs, to Swedish polkas, to Spanish sambas to English folk songs. Our house is filled with furniture and articles from all over the world. Our lifestyle reflects our many nationalities. Even our very best friends are from many countries.

Even though I look typically American—but am not—I AM a typical American, because we are all immigrants or descendants of immigrants. And that is wonderful, because it means it is easy to find the food, decorations and costumes to celebrate holidays as my ancestors have done.

This varied cultural background has enriched my life. The people I love have taught me about their religions, customs, food and celebrations. No matter who I'm with, or what country I'm in, I feel very much at home. Thanks to my Dad, I feel especially at home in England.

Being exposed to so many different opinions has made me look at America's problems in new ways. I often find that other countries have handled similar problems in better ways than we have and I hope I'm open-minded enough to learn from them. I would like to convince my country to consider many world views before making decisions. And I hope my fellow immigrants try their very best to do the same. Maybe if we remember that we are all immigrants, then we can continue to make America a better place to live.

WHY I AM GLAD THAT AMERICA IS A LAND OF IMMIGRANTS

(By Daniel Pietryla, St. Christina School, Chicago, IL, Runner-Up)

Dedicated to my parents, grandparents and to all immigrants who have endured personal hardships for the sake of their children. Leaving their homelands and bravely entering a foreign country with hopes and dreams of freedom, happiness and prosperity. The gift of America, a gift of immigrants!)

My ancestors are from Poland, Where life was hard and long, Their future was in a new land, America is where they belong.

The dirt floor, wooden shack, Beds of feathers and straw, The privy around back, Was the last thing they saw.

They turned and gazed, For one last look, The home where they were raised, Is the memory they took.

Over the Atlantic by ship, many hardships were endured, Herbal tea they would sip, their senses were blurred. Days and nights of wondering, Frightened and alone were they, Deep doubts were pondering, Through this long, long way.

Two weeks of seasickness, Unsure of their choice, America came in darkness, No one did rejoice.

They boarded a train, Never understanding the words, Lightning and rain, Were all that they heard.

The train's wheels were squealing, The sudden stop that they felt, Nervous stomachs were feeling, And hearts about to melt.

Streetlights and cars Intensifying the fear, And heard from afar, A familiar voice so clear.

''Welcome, Welcome, You're finally here!'' Our senses were numb, They broke into tears.

America at last! Everything so new, Letting go of the past, It's a hard thing to do.
Grandpa and Grandma, My Mom and her brothers, From Poland to America, Similar stories of others.
Son of an immigrant, America, my home,
A story so important, Memorialized in poem.
Our ancestors from somewhere, So brave and alone, Gave a gift so rare,
America, Our Home!

AMERICAN STEW

(By Sam Sanson, Bay Middle School, Bay Village, OH, Runner-Up)

Every American's favorite . . .
One pound of potatoes and a teaspoon of Irish humor
One ounce of coconut and 3 cups of Filipino faith
Five ounces of noodles and a liter of Italian artwork
One pound of kielbasi and ½ tablespoon of Polish courage
One teaspoon of sauerkraut and a cup of German determination
Five teaspoons of soy sauce and an ounce of Chinese history
Two pounds of escargot and a tablespoon of French cooking
Two tablespoons of tea and six ounces of British etiquette
One ounce of figs and one pound of African tribal dancing
Two pounds of Korean rice and ½ tablespoon of Korean silk
We hope that you enjoy ''America's Stew.''
With all of the surprising ingredients, it makes the most interesting and exciting meal of all!●

DR. JOHN H. HOPPS, JR.

● Mr. ROBERTS. Mr. President, I rise today to pay tribute to a great educator and champion of science and technology, who recently passed away.

Dr. John Hopps was a true public servant who most recently furthered the cause of our national security as deputy director of defense research and engineering and deputy under secretary of defense for laboratories and basic science at the Department of Defense. As chairman of the Senate Armed Services Subcommittee on Emerging Threats and Capabilities, I had the privilege of knowing John and witnessing first-hand his support of programs, projects and personnel in the defense laboratories.

Prior to his position with the Department of Defense, Dr. Hopps worked to encourage our Nation's youth in their pursuit of academic excellence, especially in this fields of physics and chemistry. As provost and senior vice president for academic affairs and professor of physics at Morehouse College, John was in a position to guide young minds and manage academic departments and multi disciplinary programs.

Immediately before joining Morehouse College, John Hopps served as director of materials research at the National Science Foundation. During his tenure with Draper Laboratory, which began in 1977, John was manager of energy program development, manager of the laboratory's fault-tolerant systems technology research program, and education director for the laboratory.

During his tenure as deputy director of defense research and engineering, Dr. Hopps made great strides in reaching out to the scientific and academic communities and in working to ensure the technological superiority of the defense laboratories and workforce who develop the tools, protective equipment and weapons that are so important to the U.S. warfighter of today and tomorrow. Under his leadership, the Department increased the National Defense Science and Engineering Fellowship Program and pursued a program and structure—Materials World Modules—he developed to connect students of all ages to the excitement and value of science.

This year's defense authorization bill contains a provision that authorizes the Department to establish a pilot science, mathematics and engineering scholarship program that will continue much of the work championed by John in his efforts for the Department of Defense and in his other positions both inside and outside the Federal Government. John's academic background combined with service in the Federal Government gave him a unique perspective on the importance of basic research for future technological advances, linkages he helped us all to make.

John Hopps' patient, deliberative manner, keen sense of humor, and compassionate approach to life and work will be missed by the many students, educators and public servants, whose lives he has touched. My deepest sympathies go out to Dr. Hopps' wife, family and friends, and to all who knew and loved him.●

SERGEANT JIM MULLEN

● Mr. BUNNING. Mr. President, I pay tribute and congratulate SGT Jim Mullen on his reception of the Bowling Green firefighter of the year award given to him by his peers at the Bowling Green Fire Department.

Sergeant Mullen has dedicated himself to helping those in need in the Bowling Green, KY area. In addition to the firefighter of the year award, Sergeant Mullen also received the Community Service Award from the department. He earned this commendation through such activities as coaching and administering the city soccer league. He has done a wonderful public service of making Bowling Green a safer and better place to live.

The citizens of Kentucky are fortunate to have the leadership of SGT Jim Mullen. His example of dedication, hard work and compassion should be an inspiration to all throughout the Commonwealth.

He has my most sincere appreciation for this work and I look forward to his continued service to Kentucky.●

CITY YEAR'S 15TH ANNIVERSARY

● Mr. KENNEDY. Mr. President, on June 4th hundreds of talented, motivated young men and women will meet in Boston to celebrate the 15th Anniversary of City Year. In 1989 the first group of young people completed a year of service to their community, inspiring what would become AmeriCorps. Now, 15 years later, City Year will hold its annual meeting in the city where it began. Since then, thirteen additional cities have welcomed the young idealists in red jackets and Timberland boots who, in their own words, ''are young enough to want to change the world and old enough to do it.''

City Year recruits start each day with ''PT,'' a trademark exercise routine to wake up the mind and spirit to take on the challenges of the day. They move on to challenge the apathy in the communities they serve. They spend each day tackling illiteracy, tutoring, refurbishing buildings, improving access to health care, and changing lives in many other ways.

City Year participants also work tirelessly to encourage others to serve, attracting volunteers through Serve-a-thons and special service days that focus community efforts on a particular project. They spread their love of service and highlight local problems that can be solved by working together.

''Cyzygy,'' their annual meeting, is a time when they celebrate service and discuss strategies to improve recruitment, retention and the quality of service. Just as they work to improve communities, they work to improve the way communities address their problems, and engage others in the search for effective solutions.

When they launched City Year in the 1980's, Alan Khazei and Michael Brown had a noble vision that spending a year in service to community could become the norm. They foresaw a domestic Peace Corps that could transform lives and rebuild communities. At the time, many thought they were impractical dreamers. Today we know they were practical visionaries and we are all proud to witness the results of their vision. Happy Birthday, City Year!●

OHIO UNIVERSITY'S BICENTENNIAL

● Mr. VOINOVICH. Mr. President, the State of Ohio is home to Ohio University, the first public institution of higher learning in the old Northwest Territory. This institution, my alma mater, celebrates the 200th anniversary of its founding this year.

On March 1, 1803, Ohio became the Nation's 17th State. Less than a year later, on February 18, 1804, the Ohio General Assembly approved Ohio University's charter.

Ohio University is the realization of the Jeffersonian ideals of educating broadly and cultivating minds and ideas so that people can reason out their differences. Officially established in 1804, the university opened in 1808 with three students. In 1815, Ohio University award its first two bachelor's

degrees. By the end of the Civil War, the university had graduated a total of 145 students. By 1920, the student population was 1,072, but it was not until after World War II that the university began to approach its present size.

In the 1950s, the student population grew from 4,600 to 8,000, and the 1960s saw enrollment burgeon from about 10,000 to some 18,000 students on the Athens campus. Today, the Athens campus is comprised of more than 200 buildings on 1,800 acres, including state-of-the-art facilities featuring the latest in educational technology. Reinforcing the university's ongoing commitment to diversity, the Athens campus serves approximately 20,000 students hailing from all 50 States and about 100 nations. The university's service as a major educational and cultural institution in southeastern Ohio includes regional campuses in Chillicothe, Ironton, Lancaster, St. Clairsville, and Zanesville. These regional campuses collectively enroll about 8,500 students, making the full-time, part-time, and continuing education enrollment for Ohio University nearly 29,000.

The university offers more than 270 undergraduate areas of study and a 20 to 1 undergraduate student-to-faculty ratio. On the graduate level, the institution grants master's degrees in nearly all of its major academic divisions, and doctoral degrees in selected departments. Ohio University is fully accredited by the North Central Association of Colleges and Schools and has been designated a Doctoral/Research University-Extensive, the highest classification, by the Carnegie Foundation for the Advancement of Teaching.

Throughout its life of change and growth, Ohio University and the town it calls home, Athens, has still successfully balanced all the advantages of a major university with the appeal of a caring and personal atmosphere. If there ever was a college town, Athens is it. The university's intellectual and cultural environment blends well with Athens' lively and quirky small-town atmosphere to create a setting where students, faculty and town residents live together in a community whose quality of life is difficult to match.

A university of people, not a place or buildings, and the people of Ohio University—its students, staff, faculty, and alumni—have made their world a richer place. I am proud to be a Bobcat and proud of the accomplishments that so many alumni have made.

Congratulations to Ohio University on 200 years of history, rich in providing excellence in higher education.●

MESSAGE FROM THE HOUSE

At 11:06 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 265. An act to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes.

H.R. 2912. An act to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government.

H.R. 4060. An act to amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes.

H.R. 4317. An act to name the Department of Veterans Affairs outpatient clinic located in Lufkin, Texas, as the ''Charles Wilson Department of Veterans Affairs Outpatient Clinic''.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 295. Concurrent resolution congratulating and saluting Focus: HOPE on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States.

H. Con. Res. 417. Concurrent resolution honoring the Tuskegee Airmen and their contribution in creating an integrated United States Air Force, the world's foremost Air and Space Supremacy Force.

The message further announced that the House has passed the following bill, with an amendment:

S. 1233. An act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center.

The message also announced that the House being in possession of the official papers, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, shall be, and they are hereby, discharged to the end that H.R. 2660 and its accompanying papers, be, and they are hereby, laid on the table.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 265. An act to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2912. An act to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government; to the Committee on Indian Affairs.

H.R. 4060. An act to amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes; to the Committee on Foreign Relations.

H.R. 4317. An act to name the Department of Veterans Affairs outpatient clinic located in Lufkin, Texas, as the ''Charles Wilson Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 295. Concurrent resolution congratulating and saluting Focus: HOPE on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; to the Committee on the Judiciary.

H. Con. Res. 417. Concurrent resolution honoring the Tuskegee Airmen and their contribution in creating an integrated United States Air Force, the world's foremost Air and Space Supremacy Force; to the Committee on Armed Services.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on June 2, 2004, she had presented to the President of the United States the following enrolled bill:

S. 2092. An act to assist the participation of Taiwan in the World Health Organization.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7704. A communication from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Revisions to Incident Reporting Requirements and the Hazardous Materials Incident Report Form; Response to Appeals'' (RIN2137–AD21) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7705. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices'' (RIN2130–AB52) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7706. A communication from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Merchant Marine Training'' (RIN2133–AB60) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7707. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations (Including 2 Regulations): [CGD08–04–021], [CGD01–04–036]'' (RIN1625–AA09) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7708. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Chincoteague Channel, Chincoteague, VA [CGD05–03–168]'' (RIN1625–AA09) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7709. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area: [CGD111–04–001], San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, Sacremento River, San Joaquin River, and Connecting Waters, California'' (RIN1625–AA11) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7710. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Regatta and Marine

Parade Regulation; Special Local Reg.: Naticoke River, Sharptown, MD'' (RIN1625–AA08) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7711. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations (Including 5 Regulations): [CGD05–04–057], [COTP Savannah 04–040], [CGD13–04–022], [COTP Savannah 04–041], [CGD05–98–043]'' (RIN1625–AA00) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7712. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations (Including 7 Regulations): [COTP San Francisco Bay 04–010], [COTP San Juan 04–044], [CGD09–04–016], [COTP Southeast Alaska 04–001], [CGD13–04–020], [COTP Prince William Sound 04–001], [CGD09–04–009]'' (RIN1625–AA00) received on May 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7713. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''General Order Implementing Syria Accountability and Lebanese Sovereignty Act of 2003'' (RIN0694–AC99) received on * * *, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7714. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Magnuson Act Provisions; Foreign Fishing; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications; Pacific Whiting'' (RIN0648–AR54) received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7715. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Final Rule; Annual Management Measures and Sport Fishing Regulations for Area 2A Pacific Halibut Fisheries; and Changes to the Catch Sharing Plan'' (RIN0648–AQ67) received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7716. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments'' (ID041904C) received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7717. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Amendment 21 to the Fishery Management Plan for Reef Fish Resources in the Gulf of Mexico'' (RIN0648–AR66) received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7718. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Rule to Implement Amendment 66 to the Fishery Management Plan for Groundfish of the Gulf of Alaska'' (RIN0648–AQ98) received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7719. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Amendment 13 to the Northeast Multispecies Fishery Management Plan'' (RIN0648–AN17) received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7720. A communication from the Director, Office of White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary and Director General, International Trade Administration, Department of Commerce, received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7721. A communication from the Director, Office of White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a nomination and change in previously submitted reported information for the position of Under Secretary and Director, Patent and Trademark Office, Department of Commerce, received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7722. A communication from the Director, Office of White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a vacancy and change in previously submitted reported information for the position of Assistant Secretary for Trade Development, Department of Commerce, received on May 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7723. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closing Directed Fishing for Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area'' received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7724. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closing Directed Fishing for Pacific Cod by Catcher Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area (BSAI)'' received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7725. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Directed Rock Sole Fishing in Bering Sea and Aleutian Islands Management Area'' received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7726. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Pacific Cod to Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands'' received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7727. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Reopening Directed Fishing for Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area (BSAI) for 72 Hours'' received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7728. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Reallocation of Projected Unused Amount of Pacific Cod From Vessels Using Jig Gear to Catcher Vessels Less Than 60′ Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area'' received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7729. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closing Directed Fishing for Species in Rock Sole/Flathead Sole/Other Flatfish Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7730. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 16–2'' (RIN0648–AR35) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7731. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Amendment to Modify Seafood Dealer Reporting Requirements'' (RIN0648–AR79) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7732. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Pelagic Longline Fishing Restrictions, Seasonal Area Closure, Limit on Swordfish Fishing Effort, Gear Restrictions, and Other Sea Turtle Take Mitigation Measures'' (RIN0648–AR84) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7733. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of the Commercial Hook-and-Line Fishery for Gulf Group King Mackerel in the Southern Florida West Coast Subzone'' received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7734. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Monkfish Fishery; Final Rule to Implement Target Total Allowable Catch Levels, Trip Limits, and Days-at-Sea Restrictions for the 2004 Monkfish Fishery'' (RIN0648–AR89) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7735. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure of Alaska Plaice in the Bering Sea and Aleutian Islands Management Area (BSAI)'' received on June 1, 2004; to the

Committee on Commerce, Science, and Transportation.

EC–7736. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Revise the Descriptions of Gulf of Alaska (GOA) Reporting Areas 620 and 630 in Paragraph b of Figure 3 to 50 CFR Part 679 to Include the Entire Alitak/Olga/Deadman's/Portage Bay Complex of Kodiak Island Within Reporting Area 620'' (RIN0648–AR08) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7737. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area; Modification of a Closure'' (ID032404E) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7738. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Tilefish Fishery; Final Rule for Reinstatement of Permit Requirements for the Tilefish Fishery'' (RIN0648–AR75) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EC–7739. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement the 2004 Specifications for the Spiny Dogfish Fishery'' (RIN0648–AQ81) received on June 1, 2004; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Ms. COLLINS for the Committee on Governmental Affairs.

*David Safavian, of Michigan, to be Administrator for Federal Procurement Policy.

*Albert Casey, of Texas, to be a Governor of the United States Postal Service for a term expiring December 8, 2009.

*James C. Miller III, of Virginia, to be a Governor of the United States Postal Service for the term expiring December 8, 2010.

*Dawn A. Tisdale, of Texas, to be a Commissioner of the Postal Rate Commission for a term expiring November 22, 2006.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DAYTON:

S. 2487. A bill to amend part D of title XVIII of the Social Security Act to ensure that every medicare beneficiary has access to a medicare administered prescription drug plan option, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. HOLLINGS, and Ms. CANTWELL):

S. 2488. A bill to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. HOLLINGS, Mr. GREGG, Ms. SNOWE, and Mr. LOTT):

S. 2489. A bill to establish a program within the National Oceanic and Atmospheric Administration to integrate Federal coastal and ocean mapping activities; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 2490. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL (for herself, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 2491. A bill to amend the Public Health Service Act to promote and improve the allied health professions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD:

S. 2492. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. SMITH, Ms. COLLINS, Mr. COLEMAN, Mr. SESSIONS, Mr. LOTT, and Mr. ENZI):

S. 2493. A bill to amend the Federal Food, Drug, and Cosmetic Act to protect the public health from the unsafe importation of prescription drugs and from counterfeit prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 369. A resolution expressing the sense of the Senate in honoring the service of the men and women who served in the Armed Forces of the United States during World War II; considered and agreed to.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. ALLARD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 684

At the request of Mr. SMITH, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 684, a bill to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence.

S. 851

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 851, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 983

At the request of Mr. CHAFEE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1010

At the request of Mr. HARKIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1010, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

S. 1272

At the request of Mr. CORZINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1272, a bill to amend the Occupational Safety and Health Act of 1970 to modify the provisions relating to citations and penalties.

S. 1368

At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1368, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1393

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1393, a bill to amend the Richard B. Russell National School Lunch Act to reauthorize and expand the fruit and vegetable pilot program.

S. 1411

At the request of Mr. DODD, his name was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1457

At the request of Mr. BUNNING, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1457, a bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits on its pre-1985 level.

S. 2000

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2000, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 2038

At the request of Mr. BAYH, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2038, a bill to amend the Public Health Service Act to provide for influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, and for other purposes.

S. 2175

At the request of Mr. DODD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2175, a bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, and for other purposes.

S. 2283

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2283, a bill to extend Federal funding for operation of State high risk health insurance pools.

At the request of Mr. GREGG, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S . 2283, supra.

S. 2318

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2318, a bill to expand upon the Department of Defense Energy Efficiency Program required by section 317 of the National Defense Authorization Act of 2002 by authorizing the Secretary of Defense to enter into energy savings performance contracts, and for other purposes.

S. 2363

At the request of Mr. LEAHY, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from New York (Mr. SCHUMER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2363, supra.

S. 2384

At the request of Mr. BOND, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2384, a bill to amend the Small Business Act to permit business concerns that are owned by venture capital operating companies or pension plans to participate in the Small Business Innovation Research Program.

S. 2425

At the request of Mr. BYRD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2438

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2438, a bill to amend title 31, United States Code, to provide Federal Government employees with bid protest rights in actions under Office of Management and Budget Circular A-76, and for other purposes.

S. 2473

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2473, a bill to require payment of appropriated funds that are illegally disbursed for political purposes by the Centers for Medicare and Medicaid Services.

S. CON. RES. 106

At the request of Mr. CAMPBELL, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Con. Res. 106, a concurrent resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004.

S. CON. RES. 110

At the request of Mr. CAMPBELL, the names of the Senator from New York (Mrs. CLINTON), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Con. Res. 110, a concurrent resolution expressing the sense of Congress in support of the ongoing work of the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism, racism, xenophobia, discrimination, intolerance, and related violence.

S. RES. 317

At the request of Mr. HAGEL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 317, a resolution recognizing the importance of increasing awareness of autism spectrum disorders, supporting programs for increased research and improved treatment of autism, and improving training and support for individuals with autism and those who care for individuals with autism.

AMENDMENT NO. 3234

At the request of Mr. NELSON of Florida, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 3234 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3242

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3242 proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3245

At the request of Mrs. DOLE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 3245 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. HOLLINGS, and Ms. CANTWELL):

S. 2488. A bill to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce the Marine Debris Research and Reduction Act. From the shore, our oceans seem vast and limitless, but I fear that we often overlook the impacts our actions have on the sea and its resources. The Act that I am introducing today with my friends and colleagues, Senators TED STEVENS, FRITZ HOLLINGS, and MARIA CANTWELL focuses on one particular impact that goes unnoticed by many: marine debris.

In a high-tech era of radiation, carcinogenic chemicals, and human-induced climate change, the problem of the trash produced by ocean-going vessels and dumped at sea must seem old-fashioned by comparison. Sea garbage would seem to be a simple issue that surely cannot rise to the priority level of the stresses our 21st century civilization places on the natural environment.

Regrettably, that perception is wrong. While marine debris includes conventional ''trash,'' it also includes a vast array of additional materials. It is discarded fishing nets and gear. It is cargo washed overboard. It is abandoned equipment from our commercial fleets. Nor does the ''low-tech'' nature of solid refuse diminish its deadly impact on the creatures of the sea. Dead is dead—whether an animal dies from an immune system weakened by toxic chemicals, or drowns entangled in a discarded fishing net.

Global warming, disease, and toxic contamination of our seas has already stressed these fragile ecosystems. These threats have been described in the draft report of the U.S. Commission on Ocean Policy, which also dedicated an entire chapter to the threats posed by marine debris. The bill we introduce today adopts the measures recommended by the Commission to help remove man-made marine debris from the list of ocean threats. It also follows the recommendations of the International Marine Debris Conference held in my home State of Hawaii in 2000.

The bill establishes a Marine Debris Prevention and Removal Program within the National Oceanic and Atmospheric Administration, NOAA, directs the U.S. Coast Guard to improve enforcement of laws designed to prevent ship-based pollution from plastics and other garbage, re-invigorates an interagency committee on marine debris, and improves our research and information on marine debris sources, threats, and prevention.

In Hawaii, we are able to see the impacts of marine debris more clearly than most because of the convergence caused by the North Pacific Tropical High. Atmospheric forces cause ocean surface currents to converge on Hawaii, bringing with them the vast amount of debris floating throughout the Pacific. In 2003 alone, 122 tons of debris were removed from coral reefs in the Northwestern Hawaiian Islands, which is also home to many endangered marine species.

I am pleased that the coordinated approach taken to address the threats posed by marine debris in the Northwestern Hawaiian Islands has provided a model for the Nation. NOAA's Pacific Islands Region Fisheries Science Center is leading this interagency partnership, which also includes the U.S. Fish and Wildlife Service, Hawaii's business and university communities, and conservation groups. Not only have we removed debris that poses harm to endangered species, but with the help of donated services, we have recycled the abandoned nets into energy to power residential homes.

We have learned that our best path to success lies in partnering with one another to share resources, and it is my hope that others may adapt our project to their own shores through the partnership and funding opportunities set forth in this bill. This is why the bill establishes an Interagency Committee on Marine Debris to coordinate marine debris prevention and removal efforts among federal agencies, state governments, universities, and non-governmental organizations.

We must also bear in mind that no matter how zealously we reform our practices, the ultimate solution lies in international cooperation. The oceans connect the coastal nations of the world, and we must work together to reduce this increasing threat to our seas and shores. The Marine Debris Research and Reduction Act will provide the United States with the tools to develop effective marine debris prevention and removal programs on a worldwide basis, including reporting and information requirements that will assist in the creation of an international marine debris database.

I hope you will join me in supporting enactment of the Marine Debris Research and Reduction Act. This bill will provide the United States with the programs and resources necessary to protect our most valuable resources, our oceans. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Marine Debris Research and Reduction Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The oceans, which comprise nearly three quarters of the Earth's surface, are an important source of food and provide a wealth of other natural products that are important to the economy of the United States and the world.

(2) Ocean and coastal areas are regions of remarkably high biological productivity, are of considerable importance for a variety of recreational and commercial activities, and provide a vital means of transportation.

(3) Ocean and coastal resources are limited and susceptible to change as a direct and indirect result of human activities, and such changes can impact the ability of the ocean to provide the benefits upon which the Nation depends.

(4) Marine debris, including plastics, derelict fishing gear, and a wide variety of other objects, has a harmful and persistent effect on marine flora and fauna and can have adverse impacts on human health and navigation safety.

(5) Marine debris is also a hazard to navigation, putting mariners and rescuers, their vessels, and consequently the marine environment at risk, and can cause economic loss due to entanglement of vessel systems.

(6) Modern plastic materials persist for decades in the marine environment and therefore pose the greatest potential for long-term damage to the marine environment.

(7) Lack of knowledge and data on the source, movement, and effects of plastics and other marine debris in marine ecosystems has hampered efforts to develop effective approaches for addressing marine debris.

(8) Lack of resources, priority attention to this issue, and coordination at the Federal level has undermined the development and implementation of a Federal program to address marine debris, both domestically and internationally.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish programs within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with other Federal and non-Federal entities;

(2) to re-establish the Inter-agency Marine Debris Coordinating Committee to ensure a coordinated government response across Federal agencies;

(3) to develop a Federal information clearinghouse to enable researchers to study the scale and impact of marine debris more efficiently; and

(4) to take appropriate action in the international community to prevent marine debris and reduce concentrations of existing debris on a global scale.

SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established, within the National Oceanic and Atmospheric Administration, a Marine Debris Prevention and Removal Program to reduce and prevent the occurrence and adverse impacts of marine debris on the marine environment and navigation safety.

(b) PROGRAM COMPONENTS.—Through the Program, the Under Secretary for Oceans and Atmosphere (Under Secretary) shall carry out the following activities:

(1) MAPPING, IDENTIFICATION, IMPACTS, REMOVAL, AND PREVENTION.—The Under Secretary shall, in consultation with relevant Federal agencies, undertake marine debris mapping, identification, impact assessment, prevention, and removal efforts, with a focus on marine debris posing a threat to living marine resources (particularly endangered or protected species) and navigation safety, including—

(A) the establishment of a process for cataloguing and maintaining an inventory of marine debris and its impacts found in the United States navigable waters and the United States exclusive economic zone, including location, material, size, age, and origin, and impacts on habitat, living marine resources, human health, and navigation safety;

(B) measures to identify the origin, location, and projected movement of marine debris within the United States navigable waters and the United States exclusive economic zone, including the use of oceanographic, atmospheric, satellite, and remote sensing data; and

(C) development and implementation of strategies, methods, priorities, and a plan, for removing marine debris from United States navigable waters and within the United States exclusive economic zone, including development of local or regional protocols for removal of derelict fishing gear.

(2) REDUCING AND PREVENTING LOSS OF GEAR.—The Under Secretary shall improve efforts and actively seek to prevent and reduce commercial fishing gear losses, as well as to reduce adverse impacts of such gear on living marine resources and navigation safety, including—

(A) research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking and identification of lost gear; and

(B) development of voluntary or mandatory management measures to reduce the loss and discard of commercial fishing gear, such as incentive programs, observer programs, toll-free reporting hotlines, and computer-based notification forms.

(3) OUTREACH.—The Under Secretary shall undertake outreach and education of stakeholders, including the fishing, gear manufacturers, and other marine-dependent industries, on threats associated with marine debris and approaches to identify, prevent, mitigate, monitor, and remove marine debris, including outreach and education activities through public-private initiatives. The Under Secretary shall coordinate outreach and education activities under this paragraph with any outreach programs conducted under section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1915).

(c) GRANTS.—

(1) IN GENERAL.—The Under Secretary shall provide financial assistance, in the form of grants, through the Program for projects to accomplish the purposes of this Act.

(2) 50 PERCENT MATCHING REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), Federal funds for any project under this section may not exceed 50 percent of the total cost of such project. For purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(B) WAIVER.—The Under Secretary may waive all or part of the matching requirement under subparagraph (A) if the Under Secretary determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(3) AMOUNTS PAID AND SERVICES RENDERED UNDER CONSENT.—

(A) CONSENT DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may include money paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or judicial consent decree that will remove or prevent marine debris.

(B) OTHER DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may not include any money paid pursuant to, or the value of any in-kind service performed under, any other administrative order or court order.

(4) ELIGIBILITY.—Any natural resource management authority of a State or other government authority whose activities directly or indirectly affect research or regulation of marine debris, and any educational or nongovernmental institutions with demonstrated expertise in a field related to marine debris, are eligible to submit to the Under Secretary a marine debris proposal under the grant program.

(5) GRANT CRITERIA AND GUIDELINES.—Within 180 days after the date of enactment of this Act, the Under Secretary shall promulgate necessary guidelines for implementation of the grant program, including development of criteria and priorities for grants. In developing those guidelines, the Under Secretary shall consult with—

(A) the Interagency Marine Debris Committee;

(B) regional fishery management councils established under the Magnuson- Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(C) State, regional, and local entities with marine debris experience;

(D) marine-dependent industries; and

(E) non-governmental organizations involved in marine debris research and mitigation activities (including activities regarding commercial fishing gear).

(6) PROJECT REVIEW AND APPROVAL.—The Under Secretary shall review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of the Act. Not later than 120 days after receiving a project proposal under this section, the Under Secretary shall—

(A) provide for external merit-based peer review of the proposal;

(B) after considering any written comments and recommendations based on the review, approve or disapprove the proposal; and

(C) provide written notification of that approval or disapproval to the person who submitted the proposal.

(7) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports as required by the Under Secretary. Each report shall include all information required by the Under Secretary for evaluating the progress and success of the project.

SEC. 4. COAST GUARD PROGRAM.

The Commandant of the Coast Guard shall, in cooperation with the Under Secretary, undertake measures to reduce violations of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the discard of plastics and other garbage from vessels. The measures shall include—

(1) the development of a strategy to improve monitoring and enforcement of current laws, as well as recommendations for statutory or regulatory changes to improve compliance and for the development of any appropriate amendments to MARPOL;

(2) regulations to improve the implementation of the requirement of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) that all United States ports and terminals maintain receptacles for disposing of plastics, including measures to ensure that a sufficient quantity of such facilities exist at all such ports and terminals, requirements for logging the waste received, and for Coast Guard comparison of vessel and port log books to determine compliance;

(3) regulations to require vessels, including fishing vessels under 400 gross tons, entering United States ports to maintain records subject to Coast Guard inspection on the disposal of plastics and other garbage, that, at a minimum, include the time, date, type of garbage, quantity, and location of discharge by latitude and longitude or, if discharged on land, the name of the port where such material is offloaded for disposal;

(4) regulations to require United States fishing vessels to report the loss and recovery of fishing gear and to expand to smaller vessels existing requirements to maintain ship-board receptacles and maintain a ship-board waste management plan, taking into account potential economic impacts, technical feasibility, and other factors;

(5) the development, through outreach to commercial vessel operators and recreational boaters, of a voluntary reporting program, along with the establishment of a central reporting location, for incidents of damage to vessels caused by marine debris, as well as observed violations of existing laws and regulations relating to disposal of plastics and other marine debris; and

(6) a voluntary program encouraging United States flag vessels to inform the Coast Guard of any ports in other countries that lack adequate port reception facilities for garbage.

SEC. 5. INTERAGENCY COORDINATION.

(a) INTERAGENCY MARINE DEBRIS COMMITTEE ESTABLISHED.—There is established an Interagency Committee on Marine Debris to coordinate a comprehensive program of marine debris research and activities among Federal agencies, in cooperation and coordination with non-governmental organizations, industry, universities, and research institutions, State governments, Indian tribes, and other nations, as appropriate, and to foster cost-effective mechanisms to identify, assess, reduce, and prevent marine debris, including the joint funding of research and mitigation and prevention strategies.

(b) MEMBERSHIP.—The Committee shall include a senior official from—

(1) the National Oceanic and Atmospheric Administration, who shall serve as the chairperson of the Committee;

(2) the United States Coast Guard;

(3) the Environmental Protection Agency;

(4) the United States Navy;

(5) the Maritime Administration of the Department of Transportation;

(6) the National Aeronautics and Space Administration;

(7) the Marine Mammal Commission; and

(8) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Secretary of Commerce determines appropriate.

(c) MEETINGS.—The Committee shall meet at least twice a year to provide a forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

(d) REPORTING.—

(1) INTERAGENCY REPORT ON MARINE DEBRIS IMPACTS AND STRATEGIES.—Not later than 12 months after the date of the enactment of this Act, the Committee, through the chairperson, and in cooperation with the coastal States, Indian tribes, local governments, and non-governmental organizations, shall complete and submit to the Congress a report examining the ecological and economic impact of marine debris, alternatives for reducing, mitigating, preventing, and controlling the harmful affects of marine debris, and the social and economic costs and benefits of such alternatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall provide recommendations on—

(A) establishing priority areas for action to address leading problems relating to marine debris;

(B) developing an effective strategy and approaches to reducing, removing, and disposing of marine debris, including through private-public partnerships;

(C) providing appropriate infrastructure for effective implementation and enforcement of measures to prevent and remove marine debris, especially the discard and loss of fishing gear;

(D) establishing effective and coordinated education and outreach activities; and

(E) ensuring Federal cooperation with, and assistance to, the coastal States (as defined in section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of marine debris and its adverse impacts.

(3) ANNUAL PROGRESS REPORTS.—Not later than 2 years after the date of the enactment of this Act, and every year thereafter, the Committee, through the chairperson, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that evaluates United States and international progress in meeting the purposes of this Act. The report shall include—

(A) the status of implementation of the recommendations of the Committee and analysis of their effectiveness;

(B) a summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration;

(C) a review of the National Oceanic and Atmospheric Administration program authorized by section 3 of this Act, including projects funded and accomplishments relating to reduction and prevention of marine debris;

(D) a review of United States Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements; and

(E) estimated Federal and non-Federal funding provided for marine debris and recommendations for priority funding needs.

(e) CONFORMING AMENDMENT.—Section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is repealed.

SEC. 6. INTERNATIONAL COOPERATION.

The Interagency Marine Debris Committee shall develop a strategy and pursue in the International Maritime Organization and other appropriate international and regional forums, international action to reduce the incidence of marine debris, including—

(1) the inclusion of effective and enforceable marine debris prevention and removal measures in international and regional agreements, including fisheries agreements and maritime agreements;

(2) measures to strengthen and to improve compliance with MARPOL Annex V;

(3) national reporting and information requirements that will assist in improving information collection, identification and monitoring of marine debris, including plastics and derelict fishing gear;

(4) the establishment of an international database, consistent with the information clearinghouse established under section 7, that will provide current information on location, source, prevention, and removal of marine debris, including fishing gear;

(5) the establishment of public-private partnerships and funding sources for pilot programs that will assist in implementation and compliance with marine debris requirements in international agreements and guidelines;

(6) the identification of possible amendments to and provisions in the International Maritime Organization Guidelines for the Implementation of Annex V of MARPOL for potential inclusion in Annex V; and

(7) when appropriate assist the responsible Federal agency in bilateral negotiations to effectively enforce marine debris prevention.

SEC. 7. FEDERAL INFORMATION CLEARINGHOUSE.

The Under Secretary, in coordination with the Committee, shall maintain a Federal information clearinghouse on marine debris that will be available to researchers and other interested parties to improve source identification, data sharing, and monitoring efforts through collaborative research and open sharing of data. The clearinghouse shall include—

(1) standardized protocols to map locations of commercial fishing and aquaculture activities using Geographic Information System techniques;

(2) a world-wide database which describes fishing gear and equipment, and fishing practices, including information on gear types and specifications;

(3) guidance on the identification of gear fragments; and

(4) the data on mapping and identification of marine debris to be developed pursuant to section 3(b)(1) of this Act.

SEC. 8. DEFINITIONS.

In this Act:

(1) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(2) COMMITTEE.—The term ''Committee'' means the Interagency Marine Debris Committee established by section 5 of this Act.

(3) UNITED STATES EXCLUSIVE ECONOMIC ZONE.—The term ''United States exclusive economic zone'' means the zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the ocean waters of the areas referred to as ''eastern special areas'' in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.

(4) MARPOL; ANNEX V; CONVENTION.—The terms ''MARPOL'', ''Annex 5'', and ''Convention'' have the meaning given those terms in paragraphs (3) and (4) of section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 2005—

(1) to the Secretary of Commerce for the purpose of carrying out sections 3 and 7 of this Act, $10,000,000, of which no more than 10 percent may be for administrative costs; and

(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out sections 4 and 6 of this Act, $5,000,000, of which no more than 10 percent may be used for administrative costs.

By Mr. INOUYE (for himself, Mr. STEVENS, Mr. HOLLINGS, Mr. GREGG, Ms. SNOWE, and Mr. LOTT):

S. 2489. A bill to establish a program within the National Oceanic and Atmospheric Administration to integrate Federal coastal and ocean mapping activities; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise to introduce the Coastal and Ocean Mapping Integration Act of 2004. I am pleased to be joined by Senators GREGG and HOLLINGS, who are original cosponsors of the bill. The jurisdiction of the United States extends 200 miles beyond its coastline and includes the U.S. Territorial Sea and Exclusive Economic Zone, or ''EEZ.'' Regrettably, nearly 90 percent of this expanse remains unmapped by modern technologies, meaning that we have almost no information about a swath of ocean as large as the terra firma of the entire United States.

There was a time in the history of our Nation when our best efforts to map the seas meant lowering weights tied to piano wire over the side of a vessel, and measuring how deep they went. These efforts led to the development of rudimentary nautical charts designed to help mariners navigate safely. The rapidly increasing uses of our coastal and ocean waters, however, call for development of a new generation of ecosystem-oriented mapping and assessment products and services.

The technologies of today create richly layered mapping products that expand far beyond just charting for safe navigation. Now, by combining such information as mineral surveys of the U.S. Geological Service, habitat characterizations of the National Oceanic Atmospheric Administration (NOAA), and watershed assessments of the Environmental Protection Agency into a single product, map users are able to consider the impacts of their actions on multiple facets of the marine environment.

The recent draft report of the U.S. Commission on Ocean Policy has highlighted the urgent need to modernize, improve, expand, and integrate Federal mapping efforts to improve navigation, safety and resource management decisionmaking. By employing integrated mapping approaches, urban and residential growth can be directed away from areas of high risk from ocean-based threats such as tsunami and tidal surge. The risks of maritime activities can be minimized by identifying hazards that could impact on sensitive ecosystems, and devising appropriate mitigation plans. Living marine resource managers can also gauge where and how best to focus their efforts to restore essential marine habitats.

The bill I am introducing today will lay the foundation for producing the ocean maps of the 21st century. It mandates coordination among the many Federal agencies with mapping missions with NOAA as the lead in developing national mapping priorities and strategies. The bill would also establish national hydrographic centers to manage comprehensively the mapping data produced by the Federal Government, encourage innovation in technologies, and authorize the funding necessary to implement this comprehensive effort.

Perhaps the most important lesson that comprehensive, integrated mapping can afford is an awareness of a web of human marine communities as rich and varied as the ocean itself. From awareness grows understanding, respect, and cooperation. I hope that my colleagues will join me in supporting this measure that will, in turn,

support the development of healthy coastal communities across the nation.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coastal and Ocean Mapping Integration Act''.

SEC. 2. INTEGRATED COASTAL AND OCEAN MAPPING PROGRAM.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall establish a program to develop, in coordination with the Interagency Committee on Coastal and Ocean Mapping, a coordinated and comprehensive Federal ocean and coastal mapping program for the Great Lakes and Coastal State waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances conservation and management of marine resources, improves decision-making regarding research priorities and the siting of research and other platforms, and advances coastal and ocean science.

(b) PROGRAM PARAMETERS.—In developing such a program, the Administrator shall work with the Committee to—

(1) identify all Federal programs conducting shoreline delineation and coastal or ocean mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) promote cost-effective, cooperative mapping efforts among all Federal coastal and ocean mapping agencies by increasing data sharing, developing data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new coastal and ocean mapping technologies by engaging in cooperative training programs and leveraging agency expertise, nongovernmental organizations, and private sector resources to efficiently meet Federal mapping mandates;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies to the private sector;

(5) centrally archive, manage, and distribute data sets as well as provide mapping products and services to the general public in service of statutory requirements; and

(6) develop specific data presentation methods for use by Federal, State, and other entities that document locations of Federally permitted activities, submerged cultural resources, undersea cables, offshore aquaculture projects, and any areas designated for the purposes of environmental protection or conservation and management of living marine resources.

SEC. 3. INTERAGENCY COMMITTEE ON COASTAL AND OCEAN MAPPING.

(a) ESTABLISHMENT.—There is hereby established an Interagency Committee on Coastal and Ocean Mapping.

(b) MEMBERSHIP.—The Committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this Act. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, Minerals Management Service, National Science Foundation, National Geospatial-Intelligence Agency, United States Army Corps of Engineers, United States Coast Guard, Environmental Protection Agency, Federal Emergency Management Agency and National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) CHAIRMAN.—The Committee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairman may create subcommittees chaired by any member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration.

(d) MEETINGS.—The Committee shall meet on a quarterly basis, but subcommittee or working group meetings shall meet on an as-needed basis.

(e) COORDINATION.—The committee should coordinate activities, when appropriate, with other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee.

SEC. 4. NOAA INTEGRATED MAPPING INITIATIVE.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated coastal and ocean mapping initiative within the National Oceanic and Atmospheric Administration.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) identify and describe all coastal and ocean mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and coastal and ocean science projects;

(2) establish geographic priorities and minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative coastal and ocean mapping technologies and applications through research and development cooperative agreements at joint institutes;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, nongovernmental organizations, and the private sector;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, ships, and aircraft to support a coordinated coastal and ocean mapping program;

(5) identify a centralized mechanism for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration, including—

(A) designating primary data processing centers to maximize efficiency in information technology investment, develop consistency in data processing, and meet Federal mandates for data accessibility; and

(B) designating a repository that is responsible for archiving and managing the distribution of all coastal and ocean mapping data to simplify the provision of services to benefit Federal and State programs; and

(6) set forth a timetable for implementation and completion of the plan, including a schedule for periodic Congressional progress reports, and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) NOAA JOINT HYDROGRAPHIC CENTERS.—The Secretary is authorized to maintain and operate up to 3 joint hydrographic centers, which shall be co-located with an institution of higher education. The centers shall serve as hydrographic centers of excellence and are authorized to conduct activities necessary to carry out the purposes of this Act, including—

(1) research and development of innovative coastal and ocean mapping technologies, equipment, and data products;

(2) mapping of the United States outer continental shelf;

(3) data processing for non-traditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations and ocean exploration; and

(5) providing graduate education in hydrographic sciences for National Oceanic and Atmospheric Administration Commissioned Officer Corps and civilian personnel.

SEC. 5. INTERAGENCY PROGRAM REPORTING.

No later than 18 months after the date of enactment of this Act, and bi-annually thereafter, the Chairman of the Committee shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources a report detailing progress made in implementing the provisions of this Act, including—

(1) an inventory of data within the territorial seas and the exclusive economic zone and throughout the continental shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) identification of priority areas in need of survey coverage using present technologies;

(3) a resource plan that identifies when priority areas in need of modern coastal and ocean mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of coastal and ocean areas;

(5) a description of any products resulting from coordinated mapping efforts under this Act that improve public understanding of the coasts, oceans, or regulatory decision-making;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing and distribution systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public; and

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal counties through the territorial sea; and

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this Act—

(1) $20,000,000 for fiscal year 2005;

(2) $26,000,000 for fiscal year 2006;

(3) $32,000,000 for fiscal year 2007;

(4) $38,000,000 for fiscal year 2008; and

(5) $45,000,000 for each of fiscal years 2009 through 2012.

(b) JOINT HYDROGRAPHIC CENTERS.—Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 4(c) of this Act:

(1) $10,000,000 for fiscal year 2005.

(2) $11,000,000 for fiscal year 2006.

(3) $12,000,000 for fiscal year 2006.

(4) $13,000,000 for fiscal year 2006.

(5) $15,000,000 for each of fiscal years 2009 through 2012.

SEC. 7. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COMMITTEE.—The term ''Committee'' means the Interagency Ocean Mapping Committee established by section 3.

(3) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(4) OCEAN AND COASTAL MAPPING.—The term ''ocean and coastal mapping'' means the collection of physical, biological, geological, chemical, and archaeological characteristics of ocean and coastal sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, and direct sampling.

(5) TERRITORIAL SEA.—The term ''territorial sea'' means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 2490. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to establish vessel ballast water management requirements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce the Ballast Water Management Act of 2004. I am joined by my friend and colleague, Senator TED STEVENS. For some time, we have recognized the impacts of land-based invasive species. In Hawaii, the impacts of such alien species on native species have been among the most significant in the country.

While not as visible, invasive species pose an equally great threat. One of the major ways that aquatic invasives make their way around the globe is through the ballast water used by vessels.

Modern maritime commerce depends on ships stabilized by the uptake and discharge of huge volumes of ocean water for ballast. Regrettably, ships do not transport such water alone—but also the plants and animals, as well as human diseases such as cholera, that it contains. An estimated 10,000 aquatic organisms travel around the globe each day in the ballast water of cargo vessels. Over 2 billion gallons of ballast water are discharged into waters of the United States each year.

From the zebra mussel fouling the facilities and shores of the Great Lakes, to the noxious algae that choke the coral reefs of Hawaii, aquatic invasive species pose a serious threat to delicate marine ecosystems and human health. The economic costs are also staggering—the direct and indirect costs of aquatic invasive species to the economy of the United States amount to billions of dollars each year.

We must find an effective solution to this problem, while at the same time ensuring that our maritime industry can continue to operate in a cost-effective manner. We will need to rely on the steady collaborative efforts of industry, science, government, and coastal communities as we move forward.

The bill I introduce today lays the foundation for such progress. It establishes standards for ballast water treatment that will be effective but on a schedule that our maritime fleet can realistically achieve. It recognizes safety as a paramount concern, and allows flexibility in ballast exchange practices to safeguard vessels and their passengers and crew. Looking to the future, my bill will also encourage the development and adoption of new ballast water treatment technologies, as well as innovative technologies to address other vessel sources of invasives such as hull fouling, through a grant program.

The bill closely tracks and is consistent with an agreement recently negotiated in the International Maritime Organization. It would phase-in ballast water treatment requirements on the same schedule as that adopted by the IMO agreement, and require ballast water exchange to be used until treatment systems are in place. Importantly, the international agreement includes a provision assuring that parties can adopt more stringent measures than those included in the agreement. This provision was sought by the United States and is important to assure the sovereignty of nations in addressing their needs while striving for international cooperation. In light of this provision, the bill includes a standard for treatment that is more effective than that adopted by the international community to ensure that the impacts in the United States are adequately prevented.

I hope that my colleagues will join me in supporting this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ballast Water Management Act of 2004''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The introduction of aquatic invasive species into the Nation's waters is one of the most urgent issues facing the marine environment in the United States.

(2) The direct and indirect costs of aquatic invasive species to the economy of the United States amount to billions of dollars per year.

(3) Invasive species are thought to have been involved in 70 percent of the last century's extinctions of native aquatic species.

(4) Invasive aquatic species are a significant problem in all regions of the United States, including Hawaii, Alaska, San Francisco Bay, the Great Lakes, the Southeast, and the Chesapeake Bay.

(5) Ballast water from ships is one of the largest pathways for the introduction and spread of aquatic invasive species.

(6) It has been estimated that some 10,000 non-indigenous aquatic organisms travel around the globe each day in the ballast water of cargo ships.

(7) Over 2 billion gallons of ballast water are discharged in United States waters each year. Ballast water may be the source of the largest volume of foreign organisms released on a daily basis into American ecosystems.

(8) Ballast water has been found to transport not only invasive plants and animals but human diseases as well, such as cholera.

(9) Invasive aquatic species may originate in other countries, or from distinct regions in the United States.

(10) An average of 72 percent of all fish species introduced in the Southeast have become established, many of which are native to the United States but transplanted outside their native ranges.

(11) The introduction of non-indigenous species has been closely correlated with the disappearance of indigenous species in Hawaii and other islands.

(12) Despite the efforts of more than 20 State, Federal, and private agencies, unwanted alien pests are entering Hawaii at an alarming rate——about 2 million times more rapid than the natural rate.

(13) Current Federal programs are insufficient to effectively address this growing problem.

(14) Preventing aquatic invasive species from being introduced is the most cost-effective approach for addressing this issue, because once established, they are costly and sometimes impossible to control.

SEC. 3. BALLAST WATER MANAGEMENT.

(a) IN GENERAL.—Section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711) is amended to read as follows:

''SEC. 1101. BALLAST WATER MANAGEMENT.

''(a) VESSELS TO WHICH SECTION APPLIES.—

''(1) IN GENERAL.—This section applies to a vessel that is designed or constructed to carry ballast water; and

''(A) is a vessel of the United States (as defined in section 2101(46) of title 46, United States Code); or

''(B) is a foreign vessel that is en route to, or has departed from, a United States port.

''(2) EXCEPTIONS.—Notwithstanding paragraph (1), this section does not apply to—

''(A) permanent ballast water in a sealed tank on a vessel that is not subject to discharge;

''(B) a vessel of the Armed Forces; or

''(C) a vessel, or category of vessels, exempted by the Secretary under paragraph (4).

''(3) STANDARDS FOR VESSELS OF THE ARMED FORCES.—With respect to a vessel of the Armed Forces that is designed or constructed to carry ballast water, the Secretary of Defense, after consultation with the Administrator of the Environmental Protection Agency and the Secretary, shall promulgate ballast water and sediment management standards for such vessels that, so far as is reasonable and practicable, achieve environmental results that are comparable to those achieved by the requirements of this section in waters subject to the jurisdiction of the United States. In promulgating those standards, the Secretary of Defense may take into account the standards promulgated for such vessels under section 312 of the Clean Water Act (33 U.S.C. 1322) to the extent that compliance with those standards would meet the requirements of this Act.

''(4) VESSEL EXEMPTIONS BY SECRETARY.—The Secretary may exempt a vessel, or category of vessels, from the application of this section if the Secretary determines, after consultation with the Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration, that ballast water discharge from the vessel or category of vessels will not have an adverse impact (as defined in section 1003(1) of this Act), based on factors including the origin and destination of the voyages undertaken by such vessel or category of vessels.

''(5) COAST GUARD ASSESSMENT AND REPORT.—Within 180 days after the date of enactment of the Ballast Water Management Act of 2004, the Commandant of the Coast Guard shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing—

''(A) an assessment of the magnitude of ballast water operations from vessels designed or constructed to carry ballast water that are not described in paragraph (1) that are transiting waters subject to the jurisdiction of the United States; and

''(B) recommendations, including legislative recommendations if appropriate, of options for addressing such ballast water operations.

''(b) UPTAKE AND DISCHARGE OF BALLAST WATER AND SEDIMENT.—

''(1) PROHIBITION.—Except as provided in this section, no person may uptake or discharge ballast water and sediment from a vessel to which this section applies into waters subject to the jurisdiction of the United States.

''(2) EXCEPTIONS.—Paragraph (1) does not apply to the uptake or discharge of ballast water and sediment in the following circumstances:

''(A) The uptake or discharge is solely for the purpose of—

''(i) ensuring the safety of vessel in an emergency situation; or

''(ii) saving a life at sea.

''(B) The uptake or discharge is accidental and the result of damage to the vessel or its equipment and—

''(i) all reasonable precautions to prevent or minimize ballast water and sediment discharge have been taken before and after the damage occurs, the discovery of the damage, and the discharge; and

''(ii) the owner or officer in charge of the vessel did not willfully or recklessly cause the damage.

''(C) The uptake or discharge is solely for the purpose of avoiding or minimizing the discharge of pollution from the vessel.

''(D) The uptake and subsequent discharge on the high seas of the same ballast water and sediment.

''(E) The uptake or discharge of ballast water and sediment occurs at the same location where the whole of the ballast water and sediment that is discharged was taken up and there is no mixing with unmanaged ballast water and sediment from another area.

''(3) SPECIAL RULE FOR UNITED STATES FLAG VESSELS.—For a vessel described in subsection (a)(1)(A), paragraph (1) of this subsection shall be applied without regard to whether the uptake or discharge occurs in waters subject to the jurisdiction of the United States.

''(4) SPECIAL RULE FOR THE GREAT LAKES.—Paragraph (2) does not apply to a vessel subject to the regulations under subsection (e)(2) until the vessel is required to conduct ballast water treatment in accordance with subsection (f) of this section.

''(c) VESSEL BALLAST WATER MANAGEMENT PLAN.—

''(1) IN GENERAL.—A vessel to which this section applies shall conduct all its ballast water management operations in accordance with a ballast water management plan that—

''(A) meets the requirements prescribed by the Secretary by regulation; and

''(B) is approved by the Secretary.

''(2) APPROVAL CRITERIA.—The Secretary may not approve a ballast water management plan unless the Secretary determines that the plan—

''(A) describes in detail safety procedures for the vessel and crew associated with ballast water management;

''(B) describes in detail the actions to be taken to implement the ballast water management requirements established under this section;

''(C) describes in detail procedures for disposal of sediment at sea and on shore;

''(D) designates the officer on board the vessel in charge of ensuring that the plan is properly implemented;

''(E) contains the reporting requirements for vessels established under this section; and

''(F) meets all other requirements prescribed by the Secretary.

''(3) COPY OF PLAN ON BOARD VESSEL.—The owner or operator of a vessel to which this section applies shall maintain a copy of the vessel's ballast water management plan on board at all times.

''(d) VESSEL BALLAST WATER RECORD BOOK.—

''(1) IN GENERAL.—The owner or operator of a vessel to which this section applies shall maintain a ballast water record book on board the vessel in which—

''(A) each operation involving ballast water is fully recorded without delay, in accordance with regulations promulgated by the Secretary; and

''(B) each such operation is described in detail, including the location and circumstances of, and the reason for, the operation.

''(2) AVAILABILITY.—The ballast water record book—

''(A) shall be kept readily available for examination by the Secretary at all reasonable times; and

''(B) notwithstanding paragraph (1), may be kept on the towing vessel in the case of an unmanned vessel under tow.

''(3) RETENTION PERIOD.—The ballast water record book shall be retained—

''(A) on board the vessel for a period of 2 years after the date on which the last entry in the book is made; and

''(B) under the control of the vessel's owner for an additional period of 3 years.

''(4) REGULATIONS.—In the regulations prescribed under this section, the Secretary shall require, at a minimum, that—

''(A) each entry in the ballast water record book be signed and dated by the officer in charge of the ballast water operation recorded; and

''(B) each completed page in the ballast water record book be signed and dated by the master of the vessel.

''(5) ALTERNATIVE MEANS OF RECORDKEEPING.—The Secretary may provide by regulation for alternative methods of recordkeeping, including electronic recordkeeping, to comply with the requirements of this subsection.

''(e) BALLAST WATER EXCHANGE REQUIREMENTS.—

''(1) IN GENERAL.—Until a vessel conducts ballast water treatment in accordance with the requirements of subsection (f) of this section, the operator of a vessel to which this section applies may not conduct the uptake or discharge of ballast water unless the operator conducts ballast water exchange, in accordance with regulations prescribed by the Secretary, in a manner that results in an efficiency of at least 95 percent volumetric exchange of the ballast water for each ballast water tank.

''(2) SPECIAL RULE FOR VESSELS IN THE GREAT LAKES.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, under regulations prescribed by the Secretary to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the ballast water of vessels, all vessels equipped with ballast water tanks that enter a United States port on the Great Lakes after operating on the waters beyond the exclusive economic zone shall—

''(i) carry out exchange of ballast water on the waters beyond the exclusive economic zone prior to entry into any port within the Great Lakes; or

''(ii) carry out an exchange of ballast water in other waters where the exchange does not pose a threat of infestation or spread of aquatic nuisance species in the Great Lakes and other waters of the United States, as recommended by the Task Force under section 1102(a)(1).

''(B) ADDITIONAL MATTERS COVERED BY THE REGULATIONS.—The regulations shall—

''(i) not affect or supersede any requirements or prohibitions pertaining to the discharge of ballast water into waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

''(ii) provide for sampling procedures to monitor compliance with the requirements of the regulations;

''(iii) prohibit the operation of a vessel in the Great Lakes if the master of the vessel has not certified to the Secretary or the Secretary's designee by not later than the departure of that vessel from the first lock in the St. Lawrence Seaway that the vessel has complied with the requirements of the regulations;

''(iv) protect the safety of—

''(I) each vessel; and

''(II) the crew and passengers of each vessel;

''(v) take into consideration different operating conditions; and

''(vi) be based on the best scientific information available.

''(C) HUDSON RIVER PORT.—The regulations under this paragraph also apply to vessels that enter a United States port on the Hudson River north of the George Washington Bridge.

''(D) EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.—The Secretary may carry out education and technical assistance programs and other measures to promote compliance

with the regulations issued under this paragraph.

''(3) EXCHANGE AREAS.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), and (D), the operator of a vessel to which this section applies shall conduct ballast water exchange in accordance with regulations prescribed by the Secretary—

''(i) at least 200 nautical miles from the nearest land; and

''(ii) in water at least 200 meters in depth.

''(B) MINIMUM DISTANCE AND DEPTH.—

''(i) IN GENERAL.—Except as provided in subparagraph (C), if the operator of a vessel is unable to conduct ballast water exchange in accordance with subparagraph (A), the ballast water exchange shall be conducted in water that is—

''(I) as far as possible from land;

''(II) at least 50 nautical miles from land; and

''(III) in water of at least 200 meters in depth.

''(ii) LIMITATION.—The operator of a vessel may not conduct ballast water exchange in accordance with clause (i) in any area with respect to which the Secretary has determined, after consultation with the Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, that ballast water exchange in the area will have an adverse impact, notwithstanding the fact that the area meets the distance and depth criteria of clause (i).

''(C) EXCHANGE IN DESIGNATED AREA.—

''(i) IN GENERAL.—If the operator of a vessel is unable to conduct ballast water exchange in accordance with subparagraph (B), the operator of the vessel may conduct ballast water exchange in an area that does not meet the distance and depth criteria of subparagraph (B) in such areas as may be designated by the Administrator of the National Oceanic and Atmospheric Administration, determined in consultation with the Secretary and the Administrator of the Environmental Protection Agency, for that purpose.

''(ii) CHARTING.—The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Secretary, shall designate such areas on nautical charts.

''(iii) LIMITATION.—The Administrator may not designate an area under clause (i) if a ballast water exchange in that area could have an adverse impact, as determined by the Secretary in consultation with the Administrator of the Environmental Protection Agency.

''(D) SAFETY OR STABILITY EXCEPTION.—

''(i) IN GENERAL.—Subparagraphs (A), (B), and (C) do not apply to the discharge or uptake of ballast water if the master of a vessel determines that compliance with subparagraph (A), (B), or (C), whichever applies, would threaten the safety or stability of the vessel, its crew, or its passengers because of adverse weather, ship design or stress, equipment failure, or any other relevant condition.

''(ii) NOTIFICATION REQUIRED.—Whenever the master of a vessel conducts a ballast water discharge or uptake under the exception described in clause (i), the master of the vessel shall notify the Secretary as soon as practicable thereafter but no later than 24 hours after the ballast water discharge or uptake commenced.

''(iii) LIMITATION ON VOLUME.—The volume of any ballast water taken up or discharged under the exception described in clause (i) may not exceed the volume necessary to ensure the safe operation of the vessel.

''(iv) REVIEW OF CIRCUMSTANCES.—If the master of a vessel conducts a ballast water discharge or uptake under the exception described in clause (i) on more than 2 out of 6 sequential voyages, the Secretary shall review the circumstances to determine whether those ballast water discharges or uptakes met the requirements of this subparagraph. The review under this clause shall be in addition to any other enforcement activity by the Secretary.

''(E) INABILITY TO COMPLY WITH EXCHANGE AREA REQUIREMENTS.—

''(i) DEVIATION OR DELAY OF VOYAGE.—In determining the ability of the operator of a vessel to conduct ballast water exchange in accordance with the requirements of subparagraph (A) or (B), a vessel is not required to deviate from its intended voyage or unduly delay its voyage to comply with those requirements.

''(ii) PARTIAL COMPLIANCE.—An operator of a vessel that is unable to comply fully with the requirements of subparagraph (A) or (B), shall conduct ballast water exchange to the maximum extent feasible in compliance with those subparagraphs.

''(F) SPECIAL RULE FOR THE GREAT LAKES.—This paragraph does not apply to vessels subject to the regulations under paragraph (2).

''(f) BALLAST WATER TREATMENT REQUIREMENTS.—

''(1) IN GENERAL.—Subject to the implementation schedule in paragraph (3), before discharging ballast water in waters subject to the jurisdiction of the United States a vessel to which this section applies shall conduct ballast water treatment so that the ballast water discharged will contain—

''(A) less than 0.1 living organisms per cubic meter that are 50 or more micrometers in minimum dimension;

''(B) less than 0.1 living organisms per milliliter that are less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

''(C) concentrations of indicator microbes that are less than—

''(i) 1 colony-forming unit of Toxicogenic vibrio cholera (O1 and O139) per 100 milliliters, or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

''(ii) 126 colony-forming units of escherichi coli per 100 milliliters; and

''(iii) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

''(D) concentrations of such indicator microbes as may be specified in regulations promulgated by the Secretary that are less than the amount specified in those regulations.

''(2) RECEPTION FACILITY EXCEPTION.—Paragraph (1) does not apply to a vessel that discharges ballast water into a reception facility that meets standards prescribed by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, for the reception of ballast water that provide for the reception of ballast water and its disposal or treatment in a way that does not impair or damage the environment, human health, property, or resources. The Secretary may not prescribe such standards that are less stringent than any otherwise applicable Federal, State, or local law requirements.

''(3) IMPLEMENTATION SCHEDULE.—Paragraph (1) applies to vessels in accordance with the following schedule:

''(A) FIRST PHASE.—Beginning January 1, 2009, for vessels constructed on or after that date with a ballast water capacity of less than 5,000 cubic meters.

''(B) SECOND PHASE.—Beginning January 1, 2012, for vessels constructed on or after that date with a ballast water capacity of 5,000 cubic meters or more.

''(C) THIRD PHASE.—Beginning January 1, 2014, for vessels constructed before January 1, 2009, with a ballast water capacity of 1,500 cubic meters or more but not more than 5,000 cubic meters.

''(D) FOURTH PHASE.—Beginning January 1, 2016, for vessels constructed—

''(i) before January 1, 2009, with a ballast water capacity of less than 1,500 cubic meters or 5,000 cubic meters or more; or

''(ii) on or after January 1, 2009, and before January 1, 2012, with a ballast water capacity of 5,000 cubic meters or more.

''(4) REVIEW OF STANDARDS.—

''(A) IN GENERAL.—In December, 2012, and in every third year thereafter, the Secretary shall review the treatment standards established in paragraph (1) of this subsection to determine, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Administrator of the Environmental Protection Agency, if the standards should be revised to reduce the amount of organisms or microbes allowed to be discharged using the best available technology economically available. The Secretary shall revise such standards as necessary by regulation.

''(B) APPLICATION OF ADJUSTED STANDARDS.—In the regulations, the Secretary shall provide for the prospective application of the adjusted standards prescribed under this paragraph to vessels constructed after the date on which the adjusted standards apply and for an orderly phase-in of the adjusted standards to existing vessels.

''(5) DELAY OF APPLICATION FOR VESSEL PARTICIPATING IN PROMISING TECHNOLOGY EVALUATIONS.—

''(A) IN GENERAL.—If a vessel participates in a program approved by the Secretary to test and evaluate promising ballast water treatment technologies with the potential to result in treatment technologies achieving a standard that is the same as or more stringent than the standard that applies under paragraph (1) before the first date on which paragraph (1) applies to that vessel, the Secretary may postpone the date on which paragraph (1) would otherwise apply to that vessel for not more than 5 years.

''(B) VESSEL DIVERSITY.—The Secretary—

''(i) shall seek to ensure that a wide variety of vessel types and voyages are included in the program; but

''(ii) may not grant a delay under this paragraph to more than 1 percent of the vessels to which subparagraph (A), (B), (C), or (D) of paragraph (3) applies.

''(C) TERMINATION OF POSTPONEMENT.—The Secretary may terminate the 5-year postponement period if participation of the vessel in the program is terminated without the consent of the Secretary.

''(6) FEASIBILITY REVIEW.—

''(A) IN GENERAL.—Not less than 2 years before the date on which paragraph (1) applies to vessels under each subparagraph of paragraph (3), the Secretary shall complete a review to determine whether appropriate technologies are available to achieve the standards set forth in paragraph (1) for the vessels to which they apply under the schedule set forth in paragraph (3).

''(B) DELAY IN SCHEDULED APPLICATION.—If the Secretary determines, on the basis of the review conducted under subparagraph (A), that compliance with the standards set forth in paragraph (1) in accordance with the schedule set forth in any subparagraph of paragraph (3) is not feasible, the Secretary shall—

''(i) extend the date on which that subparagraph first applies to vessels for a period of not more than 36 months; and

''(ii) recommend action to ensure that compliance with the extended date schedule for that subparagraph is achieved.

''(7) TREATMENT SYSTEM APPROVAL REQUIRED.—The operator of a vessel may not use a ballast water treatment system to

comply with the requirements of this subsection unless the system is approved by the Secretary. The Secretary shall promulgate regulations establishing a process for such approval.

''(g) WARNINGS CONCERNING BALLAST WATER UPTAKE.—

''(1) IN GENERAL.—The Secretary shall notify mariners of any area in waters subject to the jurisdiction of the United states in which vessels should not uptake ballast water due to known conditions.

''(2) CONTENTS.—The notice shall include—

''(A) the coordinates of the area; and

''(B) if possible, the location of alternative areas for the uptake of ballast water.

''(h) SEDIMENT MANAGEMENT.—

''(1) IN GENERAL.—The operator of a vessel to which this section applies may not remove or dispose of sediment from spaces designed to carry ballast water except in accordance with this subsection and the ballast water management plan required under subsection (c).

''(2) DESIGN REQUIREMENTS.—

''(A) NEW VESSELS.—No person may remove and dispose of such sediment from a vessel to which this section applies in waters subject to the jurisdiction of the United States that is constructed on or after January 1, 2009, unless the vessel is designed and constructed in a manner that—

''(i) minimizes the uptake and entrapment of sediment;

''(ii) facilitates removal of sediment; and

''(iii) provides for safe access for sediment removal and sampling.

''(B) EXISTING VESSELS.—The operator of a vessel to which this section applies that was constructed before January 1, 2009, may not remove and dispose of such sediment in waters subject to the jurisdiction of the United States unless—

''(i) the vessel has been modified, to the extent practicable and in accordance with regulations promulgated by the Secretary, to achieve the objectives described in clauses (i), (ii), and (iii) of subparagraph (A); or

''(ii) the removal and disposal of the sediment is conducted in such a manner as to achieve those objectives to the greatest extent practicable and in accordance with those regulations.

''(C) REGULATIONS.—The Secretary shall promulgate regulations establishing design and construction standards to achieve the objectives of subparagraph (A) and providing guidance for modifications and practices under subparagraph (B). The Secretary shall incorporate the standards and guidance in the regulations governing the ballast water management plan.

''(3) SEDIMENT RECEPTION FACILITIES.—

''(A) STANDARDS.—The Administrator of the Environmental Protection Agency in consultation with the Secretary, shall promulgate regulations governing facilities for the reception of vessel sediment from spaces designed to carry ballast water that provide for the disposal of such sediment in a way that does not impair or damage the environment, human health, or property or resources of the disposal area. The Administrator may not prescribe standards under this subparagraph that are less stringent than any otherwise applicable Federal, State, or local law requirements.

''(B) DESIGNATION.—The Secretary shall designate facilities for the reception of vessel sediment that meet the requirements of the regulations promulgated under subparagraph (A) at ports and terminals where ballast tanks are cleaned or repaired.

''(i) EXAMINATIONS AND CERTIFICATIONS.—

''(1) INITIAL EXAMINATION.—

''(A) IN GENERAL.—The Secretary shall examine vessels to which this section applies to determine whether—

''(i) there is a ballast water management plan for the vessel; and

''(ii) the equipment used for ballast water and sediment management in accordance with the requirements of this section and the regulations promulgated hereunder is installed and functioning properly.

''(B) NEW VESSELS.—For vessels constructed on or after January 1, 2009, the Secretary shall conduct the examination required by subparagraph (A) before the vessel is placed in service.

''(C) EXISTING VESSELS.—For vessels constructed before January 1, 2009, the Secretary shall—

''(i) conduct the examination required by subparagraph (A) before the date on which subsection (f)(1) applies to the vessel according to the schedule in subsection (f)(3); and

''(ii) inspect the vessel's ballast water record book required by subsection (d).

''(2) SUBSEQUENT EXAMINATIONS.—The Secretary shall examine vessels no less frequently than once each year to ensure vessel compliance with the requirements of this section.

''(3) INSPECTION AUTHORITY.—In order to carry out the provisions of this section, the Secretary may take ballast water samples at any time on any vessel to which this section applies to ensure its compliance with this Act.

''(4) REQUIRED CERTIFICATE.—

''(A) IN GENERAL.—If, on the basis of an initial examination under paragraph (1) the Secretary finds that a vessel complies with the requirements of this section and the regulations promulgated hereunder, the Secretary shall issue a certificate under this paragraph as evidence of such compliance. The certificate shall be valid for a period of not more than 5 years, as specified by the Secretary. The certificate or a true copy shall be maintained on board the vessel.

''(B) FOREIGN CERTIFICATES.—The Secretary may treat a certificate issued by a foreign government as a certificate issued under subparagraph (A) if the Secretary determines that the standards used by the issuing government are equivalent to or more stringent than the standards used by the Secretary under subparagraph (A).

''(5) NOTIFICATION OF VIOLATIONS.—If the Secretary finds, on the basis of an examination under paragraph (1) or (2), sampling under paragraph (3), or any other information, that a vessel is being operated in violation of the requirements of this section and the regulations promulgated hereunder, the Secretary shall—

''(A) notify—

''(i) the master of the vessel; and

''(ii) the captain of the port at the vessel's next port of call; and

''(B) take such other action as may be appropriate.

''(j) DETENTION OF VESSELS.—

''(1) IN GENERAL.—The Secretary, by notice to the owner, charterer, managing operator, agent, master, or other individual in charge of a vessel, may detain that vessel if the Secretary has reasonable cause to believe that—

''(A) the vessel is a vessel to which this section applies;

''(B) the vessel does not comply with the requirements of this section or of the regulations issued hereunder or is being operated in violation of such requirements; and

''(C) the vessel is about to leave a place in the United States.

''(2) CLEARANCE.—

''(A) IN GENERAL.—A vessel detained under paragraph (1) may obtain clearance under section 4197 of the Revised Statutes (46 U.S.C. App. 91) only if the violation for which it was detained has been corrected.

''(B) WITHDRAWAL.—If the Secretary finds that a vessel detained under paragraph (1) has received a clearance under section 4197 of the Revised Statutes (46 U.S.C. App. 91) before it was detained under paragraph (1), the Secretary shall request the Secretary of the Treasury to withdraw the clearance. Upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance.

''(k) SANCTIONS.—

''(1) CIVIL PENALTIES.—Any person who violates a regulation promulgated under this section shall be liable for a civil penalty in an amount not to exceed $25,000. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of the regulations is liable in rem for any civil penalty assessed under this subsection for that violation.

''(2) CRIMINAL PENALTIES.—Any person who knowingly violates the regulations promulgated under this section is guilty of a class C felony.

''(3) REVOCATION OF CLEARANCE.—Except as provided in subsection (j)(2), upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance of a vessel required by section 4197 of the Revised Statutes (46 U.S.C. App. 91), if the owner or operator of that vessel is in violation of the regulations issued under this section.

''(4) EXCEPTION TO SANCTIONS.—This subsection does not apply to a failure to exchange ballast water if—

''(A) the master of a vessel, acting in good faith, decides that the exchange of ballast water will threaten the safety or stability of the vessel, its crew, or its passengers; and

''(B) the recordkeeping and reporting requirements of the Act are complied with.

''(l) CONSULTATION WITH CANADA, MEXICO, AND OTHER FOREIGN GOVERNMENTS.—In developing the guidelines issued and regulations promulgated under this section, the Secretary is encouraged to consult with the Government of Canada, the Government of Mexico, and any other government of a foreign country that the Secretary, in consultation with the Task Force, determines to be necessary to develop and implement an effective international program for preventing the unintentional introduction and spread of nonindigenous species.

''(m) INTERNATIONAL COOPERATION.—The Secretary, in cooperation with the International Maritime Organization of the United Nations and the Commission on Environmental Cooperation established pursuant to the North American Free Trade Agreement, is encouraged to enter into negotiations with the governments of foreign countries to develop and implement an effective international program for preventing the unintentional introduction and spread of nonindigenous species. The Secretary is particularly encouraged to seek bilateral or multilateral agreements with Canada, Mexico, and other nations in the Wider Caribbean (as defined in the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean (Cartagena Convention) under this section.

''(n) NON-DISCRIMINATION.—The Secretary shall ensure that vessels registered outside of the United States do not receive more favorable treatment than vessels registered in the United States when the Secretary performs studies, reviews compliance, determines effectiveness, establishes requirements, or performs any other responsibilities under this Act.

''(o) SUPPORT FOR FEDERAL BALLAST WATER DEMONSTRATION PROJECT.—In addition to amounts otherwise available to the Maritime Administration, the National Oceanographic and Atmospheric Administration, and the United States Fish and Wildlife Service for the Federal Ballast Water Demonstration Project, the Secretary shall provide support for the conduct and expansion

of the project, including grants for research and development of innovative technologies for the management, treatment, and disposal of ballast water and sediment, for ballast water exchange, and for other vessel vectors of invasive aquatic species such as hull fouling. There are authorized to be appropriated to the Secretary $25,000,000 for each fiscal year to carry out this subsection.

''(p) CONSULTATION WITH TASK FORCE.—The Secretary shall consult with the Task Force in carrying out this section.

''(q) PREEMPTION.—Notwithstanding any other provision of law, the provisions of subsections (e) and (f) (other than subsection (f)(2)) supersede any provision of State or local law determined by the Secretary to be inconsistent with the requirements of that subsection or to conflict with the requirements of that subsection.

''(r) REGULATIONS.—The Secretary may issue such regulations as may be necessary to carry out this section and the terms defined in section 1003 that are used in this section.''.

(b) DEFINITIONS.—Section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702) is amended—

(1) by redesignating—

(A) paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(B) paragraphs (4), (5), (6), (7), and (8) as paragraphs (8), (9), (10), (11), and (12), respectively;

(C) paragraphs (9) and (10) as paragraphs (14) and (15) respectively;

(D) paragraphs (11) and (12) as paragraphs (17) and (18), respectively;

(E) paragraphs (13), (14), and (15) as paragraphs (20), (21), and (22), respectively;

(F) paragraph (16) as paragraph (26); and

(G) paragraph (17) as paragraph (23) and inserting it after paragraph (22), as redesignated;

(2) by inserting before paragraph (2), as redesignated, the following:

''(1) 'adverse impact' means the direct or indirect result or consequence of an event or process that—

''(A) creates a hazard to the environment, human health, property, or a natural resource;

''(B) impairs biological diversity; or

''(C) interferes with the legitimate use of waters subject to the jurisdiction of the United States;'';

(3) by striking paragraph (4), as redesignated, and inserting the following:

''(4) 'ballast water'—

''(A) means water taken on board a vessel to control trim, list, draught, stability, or stresses of the vessel, including matter suspended in such water; but

''(B) does not include potable or technical water that does not contain harmful aquatic organisms or pathenogens that is taken on board a vessel and used for a purpose described in subparagraph (A) if such potable or technical water is discharged in compliance with section 312 of the Clean Water Act (33 U.S.C. 1322);'';

(4) by inserting after paragraph (4) the following:

''(5) 'ballast water capacity' means the total volumetric capacity of any tanks, spaces, or compartments on a vessel that is used for carrying, loading, or discharging ballast water, including any multi-use tank, space, or compartment designed to allow carriage of ballast water;

''(6) 'ballast water management' means mechanical, physical, chemical, and biological processes used, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of harmful aquatic organisms and pathogens within ballast water and sediment;

''(7) 'constructed' means a state of construction of a vessel at which—

''(A) the keel is laid;

''(B) construction identifiable with the specific vessel begins;

''(C) assembly of the vessel has begun comprising at least 50 tons or 1 percent of the estimated mass of all structural material of the vessel, whichever is less; or

''(D) the vessel undergoes a major conversion;'';

(5) by inserting after paragraph (12), as redesignated, the following:

''(13) 'harmful aquatic organisms and pathogens' means aquatic organisms or pathogens that have been determined by the Secretary, after consultation with the Administrator of the National Oceanographic and Atmospheric Administration and the Administrator of the Environmental Protection Agency, to cause an adverse impact if introduced into the waters subject to the jurisdiction of the United States;'';

(6) by inserting after paragraph (15), as redesignated, the following:

''(16) 'major conversion' means a conversion of a vessel, that—

''(A) changes its ballast water carrying capacity by at least 15 percent;

''(B) changes the vessel class;

''(C) is projected to prolong the vessel's life by at least 10 years (as determined by the Secretary); or

''(D) results in modifications to the vessel's ballast water system, except—

''(i) component replacement-in-kind; or

''(ii) conversion of a vessel to meet the requirements of section 1101(e);'';

(7) by inserting after paragraph (18), as redesignated, the following:

''(19) 'sediment' means matter that has settled out of ballast water within a vessel;'';

(8) by inserting after paragraph (23), as redesignated, the following:

''(24) 'United States port' means a port, river, harbor, or offshore terminal under the jurisdiction of the United States, including ports located in Puerto Rico, Guam, the Northern Marianas, and the United States Virgin Islands;

''(25) 'vessel of the Armed Forces' means—

''(A) any vessel owned or operated by the Department of Defense, other than a time or voyage chartered vessel; and

''(B) any vessel owned or operated by the Department of Homeland Security that is designated by the Secretary of the department in which the Coast Guard is operating as a vessel equivalent to a vessel described in subparagraph (A);''; and

(9) by inserting after paragraph (26), as redesignated, the following:

''(27) 'waters subject to the jurisdiction of the United States' means navigable waters and the territorial sea of the United States, the exclusive economic zone, and the Great Lakes.''.

(c) GREAT LAKES REGULATIONS.—Until vessels described in section 1101(e)(2) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711(e)(2)), as amended by this Act, are required to conduct ballast water treatment in accordance with the requirements of section 1101(f) of that Act (16 U.S.C. 1101(f)), as amended by this Act, the regulations promulgated by the Secretary of Transportation under section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711), as such regulations were in effect on the day before the date of enactment of this Act, shall remain in full force and effect for, and shall continue to apply to, such vessels.

SEC. 4. COAST GUARD REPORT ON OTHER VESSEL-RELATED VECTORS OF INVASIVE SPECIES.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Commandant of the Coast Guard shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on vessel-related vectors of harmful aquatic organisms and pathogens other than ballast water and sediment, including vessel hulls and equipment, and from vessels equipped with ballast tanks that carry no ballast water on board.

(b) BEST PRACTICES.—As soon as practicable, the Coast Guard shall develop best practices standards and procedures designed to reduce the introduction of invasive species into and within the United States from vessels and establish a timeframe for implementation of those standards and procedures by vessels, in addition to the mandatory requirements set forth in section 1101 for ballast water. Such standards and procedures should include designation of geographical locations for uptake and/or discharge of untreated ballast water, as well as standards and procedures for other vessel vectors of invasive aquatic species. The Commandant shall transmit a report to the Committees describing the standards and procedures developed and the implementation timeframe, together with any recommendations, including legislative recommendations if appropriate, the Commandant deems appropriate. The Secretary of the department in which the Coast Guard is operating may promulgate regulations to incorporate and enforce standards and procedures developed under this subsection.

By Ms. CANTWELL (for herself, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 2491. A bill to amend the Public Health Service Act to promote and improve the allied health professors; to the Committee on Health, Education, Labor, and Pensions.

Ms. CANTWELL. Mr. President, the well-being of the U.S. population depends to a considerable extent on having access to high quality health care which, in turn, requires the presence of an adequate supply of health care professionals. The Congress and the President recognized this need when we passed, and President Bush signed, the Nurse Reinvestment Act in the 107th Congress. Just as with nurses, we must also insure an adequate supply of well-prepared allied health professionals. That is why, today, I am introducing the Allied Health Reinvestment Act with my good colleagues, Senator BINGAMAN of New Mexico and Senator LIEBERMAN of Connecticut.

The allied health professions are many. Those recognized in the act include professionals in the areas of: dental hygiene, dietetics/nutrition, emergency medical services, health information management, clinical laboratory sciences/medical technology, cytotechnology, occupational therapy, physical therapy, radiologic technology, nuclear medical technology, rehabilitation counseling, respiratory therapy, and speech-language pathology/audiology. This is not an exhaustive list, as the act will leave to the discretion of the Secretary of HHS additional professions deemed eligible.

Today, many allied health professions are characterized by existing workforce shortages, declining enrollments in academic institutions, or a

combination of both factors. The American Hospital Association (AHA) reports vacancy rates of 18 percent among radiology technicians, ten percent among laboratory technologists, 15.3 percent among imaging technicians, and 12.7 percent among pharmacy technicians. In addition, the AHA indicates that hospitals are having increasing difficulties recruiting these same professionals over the preceding two-year period.

In my own State of Washington, the Washington State Hospital Association reports vacancy rates of 14.3 percent among ultrasound technologists, 11.3 percent among radiology technicians, and 10.9 percent among nuclear medicine technologists. These vacancy rates have a real effect on the hospitals in my State. When I meet with hospital officials back home, they always tell me how the lack of technicians affects patient care.

The Bureau of Labor Statistics projected that in the period 1998–2008, the United States would need a total of 93,000 new professionals in clinical laboratory science by creating 53,000 new positions and filling the 40,000 existing vacancies. That averages 9,000 openings per year for technicians, and yet academic institutions are producing only 4,990 graduates annually. If these numbers stay constant, we will be short by 43,100 needed technicians in 2008.

According to the American Hospital Association, declining enrollment in health education programs contributes to the critical shortages of health care professionals. Similarly, data from a November 2002 study of 90 institutions by the Association of Schools of Allied Health Professionals (ASAHP) shows a three-year period of decline in enrollment in cardiovascular perfusion technology, cytotechnology, dietetics, emergency medical sciences, health administration, health information management, medical technology, occupational therapy, rehabilitation counseling, respiratory therapy, and respiratory therapy technician programs. As an indication of a worsening situation, data from the 2002–2003 academic year, alone, show that dental hygiene, physician assistant, and speech-language pathology and audiology should be added to this list.

While having an adequate number of health professionals in our country is key to ensuring access to health care for all of us, certainly one of the key populations for whom a healthy supply of health professionals is vitally important for is our senior population.

The U.S. Census Bureau reports that rapid growth of the population age 65 and over will begin in 2011 when the first of the baby boom generation reaches age 65 and will continue for many years. From 1900 to 2000, the proportion of persons 65 and over tripled, going from 4.1 percent to 12.4 percent.

The baby-boom generation's movement into middle age, a period when the incidence of heart attack and stroke increases, will produce a higher demand for therapeutic services. Medical advances now enable more patients with critical problems to survive, but in order to do so and maintain a high quality of life, these patients may need extensive therapy.

Along with the aging of the population came an increase in the number of Americans living with one, and often more than one, chronic condition. Today, it is estimated that 125 million Americans live with a chronic condition, and by 2020 as the population ages, that number will increase to an estimated 157 million, with 81 million of them having two or more chronic conditions. Twenty-five percent of individuals with chronic conditions have some type of activity limitations. Two-thirds of Medicare spending is for beneficiaries with five or more chronic conditions.

Many individuals with chronic conditions rely on family caregivers. Approximately nine million Americans provide such services, and on the average, they spend 24 hours a week doing so. Caregivers aged 65–74 provide an average of 30.7 hours of care per week and individuals aged 75 and older provide an average of 34.5 hours per week.

Women are more likely than men to have chronic conditions, in part because they have longer life expectancies. These same women are caregivers to other chronically ill persons. In addition, 65 percent of caregivers are female, and of all caregivers, nearly 40 percent are 55 years of age and older.

Physicians report that their training does not adequately prepare them to care for this type of patient by providing education and offering effective nutritional guidance. Those aspects of care can be provided by allied health professionals, but many of them need better preparation to treat and coordinate care for patients with chronic conditions. While much emphasis is placed on curative forms of care, additional efforts must be devoted to slowing the progression of disease and its effects.

One example of the effectiveness of allied health interventions may be illustrated by a study funded by the National Institute on Aging, the National Center for Medical Rehabilitation Research, and the Agency for Health Care Policy and Research (since renamed the Agency for Healthcare Research and Quality). The investigation showed that significant benefits resulted from a nine-month occupational therapy intervention intended to reduce health-related declines among urban, multi-ethnic, independent-living older adults. The majority of study participants, 73 percent, lived alone and 26 percent reported at least one disability. Important health-related benefits attributable to the intervention continued over a six-month interval in the absence of further treatment.

The bill I and my colleagues introduce today, like the Nurse Reinvestment Act in the 107th Congress, is intended to provide incentives for individuals to seek and complete high quality allied health education and training. Furthermore, the bill will provide additional funding to ensure that such education and training can be provided to allied health students so that the U.S. healthcare industry will have a supply of allied health professionals needed to support the nation's health care system in this decade and beyond.

The bill offers allied health education, practice, and retention grants. Education grants will be used to expand the enrollment in allied health education programs, especially by underrepresented racial and ethnic minority students, and provide educational opportunities through new technologies and methods, including distance-learning. Practice grants are intended to establish or expand allied health practice arrangements in non-institutional settings to demonstrate methods that will improve access to primary health care in rural areas and other medically underserved communities. Retention grants are intended to promote career advancement for allied health personnel.

Grants will also be made available to health care facilities to enable them to carry out demonstrations of models and best practices in allied health for the purpose of developing innovative strategies or approaches for retention of allied health professionals. These grants will be awarded to a variety of geographic regions, and to a range of different types and sizes of facilities, including facilities located in rural, urban, and suburban areas.

Furthermore, this bill will give the Secretary of HHS, acting through the Administrator of HRSA, the authority to enter into an agreement with any institution that offers an eligible allied health education program to establish and operate a faculty loan fund to increase the number of qualified allied health faculty. Loans may be granted to faculty who are pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study in an advanced degree program.

I am especially proud of the provisions of this legislation regarding the National Health Service Corps program, the brain child of Senator Warren Magnuson of Washington. The NHSC program, of course, encourages students in the health professions such as doctors and dentists to serve in underserved areas throughout our Nation in return for loan repayment assistance. And, like the NHSC program, this Allied Health Reinvestment Act will establish a scholarship program that provides scholarships to individuals seeking allied health education in exchange for service by those individuals in rural and other medically underserved areas with allied health personnel shortages.

There are a number of organizations supporting this bill, and I thank them for that support. Among them, the list includes, but is not limited to:

Washington State Hospital Association
Health Work Force Institute (Seattle, WA)
American Association for Respiratory Care
American Association of Community Colleges
American Clinical Laboratory Association
American Dental Hygienists' Association
American Dietetic Association
American Health Information Management Association
American Physical Therapy Association
American Society for Clinical Laboratory Science
American Society for Clinical Pathology
American Society of Radiologic Technologists
Association of Academic Health Centers
College of Health Deans
Midwest Regional Deans Group
Myositis Association
National Association of EMS Educators
National Cancer Registrars Association
National Network of Health Career Programs in Two-Year Colleges
Northeast Regional Deans Group

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Allied Health Reinvestment Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Census Bureau and other reports highlight the increased demand for acute and chronic healthcare services among both the general population and a rapidly growing aging portion of the population.

(2) The calls for reduction in medical errors, increased patient safety, and quality of care have resulted in an amplified call for allied health professionals to provide healthcare services.

(3) Several allied health professions are characterized by workforce shortages, declining enrollments in allied health education programs, or a combination of both factors, and hospital officials have reported vacancy rates in positions occupied by allied health professionals.

(4) Many allied health education programs are facing significant economic pressure that could force their closure due to an insufficient number of students.

(b) PURPOSE.—It is the purpose of this Act to provide incentives for individuals to seek and complete high quality allied health education and training and provide additional funding to ensure that such education and training can be provided to allied health students so that the United States healthcare industry with have a supply of allied health professionals needed to support the health care system of the United States in this decade and beyond.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) is amended by adding at the end the following:

''PART G—ALLIED HEALTH PROFESSIONALS

''SEC. 799C. DEFINITIONS.

''In this part:

''(1) ALLIED HEALTH EDUCATION PROGRAM.—The term 'allied health education program' means any postsecondary educational program offered by an institution accredited by an agency or commission recognized by the Department of Education, or leading to a State certificate or license or any other educational program approved by the Secretary. Such term includes colleges, universities, or schools of allied health and equivalent entities that include programs leading to a certificate, associate, baccalaureate, or graduate level degree in an allied health profession.

''(2) ALLIED HEALTH PROFESSIONS.—The term 'allied health professions' includes professions in the following areas at the certificate, associate, baccalaureate, or graduate level:

''(A) Dental hygiene.

''(B) Dietetics or nutrition.

''(C) Emergency medical services.

''(D) Health information management.

''(E) Clinical laboratory sciences and medical technology.

''(F) Cytotechnology.

''(G) Occupational therapy.

''(H) Physical therapy.

''(I) Radiologic technology.

''(J) Nuclear medical technology.

''(K) Rehabilitation counseling.

''(L) Respiratory therapy.

''(M) Speech-language pathology and audiology.

''(N) Any other profession determined appropriate by the Secretary.

''(3) HEALTH CARE FACILITY.—The term 'health care facility' means an outpatient health care facility, hospital, nursing home, home health care agency, hospice, federally qualified health center, nurse managed health center, rural health clinic, public health clinic, or any similar healthcare facility or practice that employs allied health professionals.

''SEC. 799C–1. PUBLIC SERVICE ANNOUNCEMENTS.

''The Secretary shall develop and issue public service announcements that shall—

''(1) advertise and promote the allied health professions;

''(2) highlight the advantages and rewards of the allied health professions; and

''(3) encourage individuals from diverse communities and backgrounds to enter the allied health professions.

''SEC. 799C–2. STATE AND LOCAL PUBLIC SERVICE ANNOUNCEMENTS.

''(a) IN GENERAL.—The Secretary shall award grants to designated eligible entities to support State and local advertising campaigns that are conducted through appropriate media outlets (as determined by the Secretary) to—

''(1) promote the allied health professions;

''(2) highlight the advantages and rewards of the allied health professions; and

''(3) encourage individuals from disadvantaged communities and backgrounds to enter the allied health professions.

''(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be a professional, national, or State allied health association, State health care provider, or association of one or more health care facilities, allied health education programs, or other entities that provides similar services or serves a like function; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''SEC. 799C–3. ALLIED HEALTH RECRUITMENT GRANT PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to eligible entities to increase allied health professions education opportunities.

''(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be a professional, national, or State allied health association, State health care provider, or association of one or more health care facilities, allied health education programs, or other eligible entities that provides similar services or serves a like function; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant under subsection (a) to—

''(1) support outreach programs at elementary and secondary schools that inform guidance counselors and students of education opportunities regarding the allied health professions;

''(2) carry out special projects to increase allied health education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities that are underrepresented among the allied health professions) by providing student scholarships or stipends, pre-entry preparation, and retention activities;

''(3) provide assistance to public and nonprofit private educational institutions to support remedial education programs for allied health students who require assistance with math, science, English, and medical terminology;

''(4) meet the costs of child care and transportation for individuals who are taking part in an allied health education program at any level; and

''(5) support community-based partnerships seeking to recruit allied health professionals in rural communities and medically underserved urban communities, and other communities experiencing an allied health professions shortage.

''SEC. 799C–4. GRANTS FOR HEALTH CAREER ACADEMIES.

''(a) IN GENERAL.—The Secretary shall award grants to eligible entities to assist such entities in collaborating to carry out programs that form education pipelines to facilitate the entry of students of secondary educational institutions, especially underrepresented racial and ethnic minorities, into careers in the allied health professions.

''(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be an institution that offers allied health education programs, a health care facility, or a secondary educational institution; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''SEC. 799C–5. ALLIED HEALTH EDUCATION, PRACTICE, AND RETENTION GRANTS.

''(a) EDUCATION PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities to—

''(1) expand the enrollment of individuals in allied health education programs, especially the enrollment of underrepresented racial and ethnic minority students; and

''(2) provide education through new technologies and methods, including distance-learning methodologies.

''(b) PRACTICE PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities to—

''(1) establish or expand allied health practice arrangements in noninstitutional settings to demonstrate methods to improve access to primary health care in rural areas and other medically underserved communities;

''(2) provide care for underserved populations and other high-risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, the homeless, and victims of domestic violence;

''(3) provide managed care, information management, quality improvement, and other skills needed to practice in existing and emerging organized health care systems; or

''(4) develop generational and cultural competencies among allied health professionals.

''(c) RETENTION PRIORITY AREAS.—

''(1) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to enhance the allied health professions workforce by initiating and maintaining allied health retention programs described in paragraph (2) or (3).

''(2) GRANTS FOR CAREER LADDER PROGRAMS.—The Secretary may award grants to and enter into contracts with eligible entities for programs—

''(A) to promote career advancement for allied health personnel in a variety of training settings, cross training or specialty training among diverse population groups, and the advancement of individuals; and

''(B) to assist individuals in obtaining the education and training required to enter the allied health professions and advance within such professions, such as by providing career counseling and mentoring.

''(3) ENHANCING PATIENT CARE DELIVERY SYSTEMS.—

''(A) GRANTS.—The Secretary may award grants to eligible entities to improve the retention of allied health professionals and to enhance patient care that is directly related to allied health activities by enhancing collaboration and communication among allied health professionals and other health care professionals, and by promoting allied health involvement in the organizational and clinical decision-making processes of a health care facility.

''(B) PREFERENCE.—In making awards of grants under this paragraph, the Secretary shall give preferences to applicants that have not previously received an award under this paragraph and to applicants from rural, underserved areas.

''(C) CONTINUATION OF AN AWARD.—The Secretary shall make continuation of any award under this paragraph beyond the second year of such award contingent on the recipient of such award having demonstrated to the Secretary measurable and substantive improvement in allied health personnel retention or patient care.

''(d) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) be a health care facility, or any partnership or coalition containing a health care facility or allied health education program; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''SEC. 799C-6. DEVELOPING MODELS AND BEST PRACTICES PROGRAM.

''(a) AUTHORIZED.—The Secretary shall award grants to eligible entities to enable such entities to carry out demonstration programs using models and best practices in allied health for the purpose of developing innovative strategies or approaches for the retention of allied health professionals.

''(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) be a health care facility, or any partnership or coalition containing a health care facility or allied health education program; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) DISTRIBUTION OF GRANTS.—In awarding grants under this section, the Secretary shall ensure that grantee represent a variety of geographic regions and a range of different types and sizes of facilities, including facilities located in rural, urban, and suburban areas.

''(d) USE OF FUNDS.—An entity shall use amounts received under a grant under this section to carry out demonstration programs of models and best practices in allied health for the purpose of—

''(1) promoting retention and satisfaction of allied health professionals;

''(2) promoting opportunities for allied health professionals to pursue education, career advancement, and organizational recognition; and

''(3) developing continuing education programs that instruct allied health professionals in how to use emerging medical technologies and how to address current and future health care needs.

''(e) AREA HEALTH EDUCATION CENTERS.—The Secretary shall award grants to area health education centers to enable such centers to enter into contracts with allied health education programs to expand the operation of area health education centers to work in communities to develop models of excellence for allied health professionals or to expand any junior and senior high school mentoring programs to include an allied health professions mentoring program.

''SEC. 799C–7. ALLIED HEALTH FACULTY LOAN PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may enter into an agreement with any institution offering an eligible allied health education program for the establishment and operation of a faculty loan fund in accordance with this section (referred to in this section as the 'loan fund'), to increase the number of qualified allied health faculty.

''(b) AGREEMENTS.—Each agreement entered into under this section shall—

''(1) provide for the establishment of a loan fund by the institution offering the allied health education program involved;

''(2) provide for deposit in the loan fund of—

''(A) the Federal capital contributions to the fund;

''(B) an amount provided by the institution involved which shall be equal to not less than one-ninth of the amount of the Federal capital contribution under subparagraph (A);

''(C) any collections of principal and interest on loans made from the fund; and

''(D) any other earnings of the fund;

''(3) provide that the loan fund will be used only for the provision of loans to faculty of the allied health education program in accordance with subsection (c) and for the costs of the collection of such loans and the interest thereon;

''(4) provide that loans may be made from such fund only to faculty who are pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study in an advanced degree program; and

''(5) contain such other provisions determined appropriate by the Secretary to protect the financial interests of the United States.

''(c) LOAN PROVISIONS.—Loans from any faculty loan fund established pursuant to an agreement under this section shall be made to an individual on such terms and conditions as the allied health education program may determine, except that—

''(1) such terms and conditions are subject to any conditions, limitations, and requirements prescribed by the Secretary;

''(2) in the case of any individual, the total of the loans for any academic year made by an allied health education program from loan funds established pursuant to agreements under this section may not exceed $30,000, plus any amount determined by the Secretary on an annual basis to reflect inflation;

''(3) upon completion by the individual of each of the first, second, and third year of full-time employment, as required under the loan agreement, as a faculty member in an allied health education program, the program shall cancel 20 percent of the principal and interest due on the amount of the unpaid portion of the loan on the first day of such employment;

''(4) upon completion by the individual of the fourth year of full-time employment, as required under the loan agreement, as a faculty member in an allied health education program, the program shall cancel 25 percent of the principal and interest due on the amount of the unpaid portion of the loan on the first day of such employment;

''(5) the loan may be used to pay the cost of tuition, fees, books, laboratory expenses, and other reasonable education expenses;

''(6) the loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the 10-year period that begins 9 months after the individual ceases to pursue a course of study in an allied health education program; and

''(7) such loan shall—

''(A) beginning on the date that is 3 months after the individual ceases to pursue a course of study in an allied health education program, bear interest on the unpaid balance of the loan at the rate of 3 percent per year; or

''(B) subject to subsection (e), if the allied health education program determines that the individual will not complete such course of study or serve as a faculty member as required under the loan agreement under this subsection, bear interest on the unpaid balance of the loan at the prevailing market rate.

''(d) PAYMENT OF PROPORTIONATE SHARE.—Where all or any part of a loan (including interest thereon) is canceled under this section, the Secretary shall pay to the allied health education program involved an amount equal to the program's proportionate share of the canceled portion, as determined by the Secretary.

''(e) REVIEW BY SECRETARY.—At the request of the individual involved, the Secretary may review any determination by an allied health education program under this section.

''SEC. 799C–8. SCHOLARSHIP PROGRAM FOR SERVICE IN RURAL AND OTHER MEDICALLY UNDERSERVED AREAS.

''(a) PROGRAM AUTHORIZED.—The Secretary shall establish a scholarship program (referred to in this section as the 'program') to provide scholarships to individuals seeking allied health education who agree to provide service in rural and other medically underserved areas with allied health personnel shortages.

''(b) PREFERENCE.—In awarding scholarships under this section, the Secretary shall give preference to—

''(1) applicants who demonstrate the greatest financial need;

''(2) applicants who agree to serve in health care facilities experiencing allied health shortages in rural and other medically underserved areas;

''(3) applicants who are currently working in a health care facility who agree to serve

the period of obligated service at such facility;

''(4) minority applicants; and

''(5) applicants with an interest in a practice area of allied health that has unmet needs.

''(c) PROGRAM REQUIREMENTS.—

''(1) CONTRACTS.—Under the program, the Secretary shall enter into contracts with eligible individuals under which such individuals agree to serve as allied health professionals for a period of not less than 2 years at a health care facility with a critical shortage of allied health professionals in consideration of the Federal Government agreeing to provide to the individuals scholarships for attendance in an allied health education program.

''(2) ELIGIBLE INDIVIDUALS.—In this subsection, the term 'eligible individual' means an individual who is enrolled or accepted for enrollment as a full-time or part-time student in an allied health education program.

''(3) SERVICE REQUIREMENT.—

''(A) IN GENERAL.—The Secretary may not enter into a contract with an eligible individual under this section unless the individual agrees to serve as an allied health professional at a health care facility with a critical shortage of allied health professionals for a period of full-time service of not less than 2 years, or for a period of part-time service in accordance with subparagraph (B).

''(B) PART-TIME SERVICE.—An individual may complete the period of service described in subparagraph (A) on a part-time basis if the individual has a written agreement that—

''(i) is entered into by the facility and the individual and is approved by the Secretary; and

''(ii) provides that the period of obligated service will be extended so that the aggregate amount of service performed will equal the amount of service that would be performed through a period of full-time service of not less than 2 years.

''(d) REPORTS.—Not later than 18 months after the date of enactment of this part, and annually thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing the program carried out under this section, including statements regarding—

''(1) the number of enrollees by specialty or discipline, scholarships, and grant recipients;

''(2) the number of graduates;

''(3) the amount of scholarship payments made;

''(4) which educational institution the recipients attended;

''(5) the number and placement location of the scholarship recipients at health care facilities with a critical shortage of allied health professionals;

''(6) the default rate and actions required;

''(7) the amount of outstanding default funds of the scholarship program;

''(8) to the extent that it can be determined, the reason for the default;

''(9) the demographics of the individuals participating in the scholarship program; and

''(10) an evaluation of the overall costs and benefits of the program.

''SEC. 799C–9. GRANTS FOR CLINICAL EDUCATION, INTERNSHIP, AND RESIDENCY PROGRAMS.

''(a) PROGRAM AUTHORIZED.— The Secretary shall award grants to eligible entities to develop clinical education, internship, and residency programs that encourage mentoring and the development of specialties.

''(b) ELIGIBLE ENTITIES.—To be eligible for a grant under this section an entity shall—

''(1) be a partnership of an allied health education program and a health care facility; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An eligible entity shall use amounts received under a grant under this section to—

''(1) develop clinical education, internship, and residency programs and curriculum and training programs for graduates of an allied health education program;

''(2) provide support for faculty and mentors; and

''(3) provide support for allied health professionals participating in clinical education, internship, and residency programs on both a full-time and part-time basis.

''SEC. 799C–10. GRANTS FOR PARTNERSHIPS.

''(a) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to form partnerships to carry out the activities described in this section.

''(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, and entity shall—

''(1) be a partnership between an allied health education program and a health care facility; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An eligible entity shall use amounts received under a grant under this section to—

''(1) provide employees of the health care facility that is a member of the partnership involved advanced training and education in a allied health education program;

''(2) establish or expand allied health practice arrangements in non-institutional settings to demonstrate methods to improve access to health care in rural and other medically underserved communities;

''(3) purchase distance learning technology to extend general education and training programs to rural areas, and to extend specialty education and training programs to all areas; and

''(4) establish or expand mentoring, clinical education, and internship programs for training in specialty care areas.

''SEC. 799C–11. ALLIED HEALTH PROFESSIONS TRAINING FOR DIVERSITY.

'' The Secretary, acting in conjunction with allied health professional associations, shall develop a system for collecting and analyzing allied health workforce data gathered by the Bureau of Labor Statistics, the Health Resources and Services Administration, other entities within the Department of Health and Human Services, the Department of Veterans Affairs, the Center for Medicare & Medicaid Services, the Department of Defense, allied health professional associations, and regional centers for health workforce studies to determine educational pipeline and practitioner shortages, and project future needs for such a workforce.

''SEC. 799C–12. ALLIED HEALTH PROFESSIONS TRAINING FOR DIVERSITY.

''The Secretary shall include schools of allied health among the health professions schools that are eligible to receive grants under this part for the purpose of assisting such schools in supporting Centers of Excellence in health professions education for under-represented minority individuals.

''SEC. 799C–13. REPORTS BY GENERAL ACCOUNTING OFFICE.

'' Not later than 4 years after the date of enactment of this part, the Comptroller General of the United States shall conduct an evaluation of whether the programs carried out under this part have demonstrably increased the number of applicants to allied health education programs and prepare and submit to the appropriate committees of Congress a report concerning the results of such evaluation.

''SEC. 799C–14. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this part, such sums as may be necessary for each of fiscal years 2005 through 2010. ''.

By Mr. CONRAD:

S. 2492. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing the Improving Access to Nurse-Midwife Care Act of 2004. For too many years, certified nurse midwives (CNMs) have not received adequate reimbursement under the Medicare program. My legislation takes important steps to improve reimbursement for CNMs.

There are approximately 2 million disabled women on Medicare who are of childbearing age; however, if they choose to utilize a CNM for ''well women'' services, the CNM is only reimbursed at 65 percent of the physician fee schedule. In practical terms, the typical well-woman visit costs, on average, $50. But Medicare currently reimburses CNMs in rural areas only $14 for this visit, which could include a pap smear, mammogram, and other precancer screenings. CNMs administer the same tests and incur the same costs as physicians but receive only 65 percent of the physician fee schedule for these services. Other non-physician providers, such as nurse practitioners and physician assistants are reimbursed at 85 percent of the physician fee schedule. This reduced payment is unfair and does not adequately reflect the services CNMs provide to beneficiaries. At this incredibly low rate of reimbursement, the Medicare Payment Advisory Committee (MedPAC) agrees that a CNM simply cannot afford to provide services to Medicare patients.

In June of 2002, MedPAC issued a report titled, ''Medicare Payment to Advance Practice Nurses and Physician Assistants.'' In a 14–0 vote, MedPAC recommended to Congress that the percentage of reimbursement for CNM services be increased. Moreover, because practice expenses are much higher for CNMs—liability coverage costs for CNMs are 10-fold higher than for other non-physician providers—MedPAC signaled that CNMs should be paid more than 85 percent. My legislation would increase the level of reimbursement to 95 percent of the physician fee schedule, which more adequately reflects the cost of providing midwifery services.

My legislation would also make several technical changes to current Medicare provisions that limit the ability of

midwives to effectively serve the Medicare-eligible population. In particular, CNMs serve as faculty members of medical schools. For over 20 years, they have supervised and trained interns and residents. The bill guarantees payment for graduate medical education and includes technical corrections that will clarify the reassignment of billing rights for CNMs who are employed by others. Finally, my bill would establish recognition for a certified midwife (CM) to provide services under Medicare. Despite the fact that CNMs and CMs provide the same services, Medicare has yet to recognize CNs as eligible providers. My bill would change this.

This bill will enhance access to ''well woman'' care for thousands of women in underserved communities and make several needed changes to improve access to midwives. I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 369—EXPRESSING THE SENSE OF THE SENATE IN HONORING THE SERVICE OF THE MEN AND WOMEN WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES DURING WORLD WAR II

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 369

Whereas during the dark days of World War II, the United States, the world, and the very future of freedom were threatened by nazism, fascism, and tyranny;

Whereas a generation of Americans stepped forward to confront this scourge, accepting the call to duty to fight the Axis Powers, to defend freedom, and to put their lives on the line so that future generations could live in peace and freedom;

Whereas during World War II, the brave men and women of the Armed Forces of the United States fought alongside allies from more than 30 other nations to vanquish the tyranny and oppression of the Axis Powers on the sea, on the land, and in the air in distant lands in every part of the globe;

Whereas more than 16,000,000 Americans served in the Armed Forces of the United States during World War II, hailing from every corner of the United States and its territories;

Whereas more than 671,000 Americans were wounded and over 105,000 Americans were held as prisoners of war in that terrible conflict;

Whereas more than 400,000 members of the Armed Forces of the United States made the ultimate sacrifice, giving their lives to defeat the evils of nazism, fascism, and tyranny, and to preserve the United States and the ideals the people of the United States hold true;

Whereas by the end of World War II, the members of the Armed Forces of the United States had become symbols of hope for the victors, the liberated peoples of the world, and their former adversaries;

Whereas the victory of the Allied Powers in World War II paved the way for the growth of democracy and freedom in the defeated nations of Germany and Japan, and laid the foundation for the West to confront, and eventually defeat, the threat of Communism;

Whereas the people of the United States can never fully express their gratitude to all the members of the Armed Services, including the ''Greatest Generation'' of World War II, who have dedicated themselves to protecting the people of the United States and to defending the ideals and principles of our great country;

Whereas 114 veterans of World War II have served in the Senate, including 6 who are currently serving: Senator Akaka of Hawaii, Senator Hollings of South Carolina, Senator Inouye of Hawaii, Senator Lautenberg of New Jersey, Senator Stevens of Alaska, and Senator Warner of Virginia; and

Whereas the Senate, on the occasion of the dedication of the World War II Memorial and the 60th Anniversary of the D-day landings in Normandy, France, is proud to honor its Members, past and present, who served in World War II: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its eternal appreciation for the veterans of the Armed Forces of the United States who fought and toiled to protect the United States and preserve the freedom and way of life of the United States during World War II;

(2) honors the brave men and women who made the ultimate sacrifice and gave their lives in defense of liberty and the United States during that global conflict; and

(3) proudly commends the 108 former Members and 6 current Members of the Senate who are veterans of World War II, including Senator Akaka, Senator Hollings, Senator Inouye, Senator Lautenberg, Senator Stevens, and Senator Warner, for their leadership and service to the United States both in war and in peace.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3257. Mr. KENNEDY (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table.

SA 3258. Mr. GRAHAM, of South Carolina (for himself, Mr. DASCHLE, Mrs. CLINTON, Ms. CANTWELL, Mr. DAYTON, Mr. ALLEN, Ms. MURKOWSKI, Mr. LOTT, Mr. COLEMAN, Mr. DEWINE, Mr. LEAHY, Mrs. LINCOLN, Mr. CORZINE, Mr. DORGAN, Mr. BINGAMAN, Mrs. MURRAY, and Ms. LANDRIEU) proposed an amendment to the bill S. 2400, supra.

SA 3259. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3260. Mr. WARNER (for himself, Mr. LEVIN, and Mr. STEVENS) proposed an amendment to the bill S. 2400, supra.

TEXT OF AMENDMENTS

SA 3257. Mr. KENNEDY (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 184, between lines 16 and 17, insert the following:

Subtitle F—Public-Private Competitions

SEC. 856. PUBLIC-PRIVATE COMPETITION FOR WORK PERFORMED BY CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) LIMITATION.—Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) Notwithstanding subsection (d), a function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition process that—

''(i) formally compares the cost of civilian employee performance of that function with the costs of performance by a contractor;

''(ii) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003;

''(iii) requires continued performance of the function by civilian employees unless the competitive sourcing official concerned determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of $10,000,000 or 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees;

''(iv) provides no advantage to an offeror in the cost comparison process for a proposal to reduce costs for the Department of Defense by not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of such function under a contract; and

''(v) provides no advantage to an offeror in the cost comparison process for a proposal to reduce costs for the Department of Defense by offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than that which is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5.

''(B) Any function that is performed by civilian employees of the Department of Defense and is proposed to be reengineered, reorganized, modernized, upgraded, expanded, or changed in order to become more efficient shall not be considered a new requirement for the purpose of the competition requirements in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A–76.

''(C) A function performed by more than 10 Federal Government employees may not be separated into separate functions for the purposes of avoiding the competition requirement in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A–76.

''(D) The cost savings requirement specified in subparagraph (A) does not apply to any contract for special studies and analyses, medical services, scientific and technical services related to (but not in support of) research and development, depot-level maintenance and repair services, or services

performed for any laboratory that is owned or operated by the Department of Defense and is funded exclusively through working-capital funds.

''(E) The Secretary of Defense may waive the requirement for a public-private competition under subparagraph (A) in specific instances if—

''(i) the written waiver is prepared by the Secretary of Defense or the relevant Assistant Secretary of Defense, Secretary of a military department, or head of a Defense Agency;

''(ii) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a public-private competition; and

''(iii) a copy of the waiver is published in the Federal Register within 10 working days after the date on which the waiver is granted, although use of the waiver need not be delayed until its publication.''.

(b) INAPPLICABILITY TO BEST-VALUE SOURCE SELECTION PILOT PROGRAM.—(1) Paragraph (5) of section 2461(b) of title 10, United States Code, as added by subsection (a), shall not apply with respect to the pilot program for best-value source selection for performance of information technology services authorized by section 336 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1444; 10 U.S.C. 2461 note).

SEC. 857. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—(1) The Secretary of Defense shall prescribe and enforce guidelines for ensuring that Federal Government employees can compete through the public-private process pursuant to Office of Management and Budget Circular A–76 on a regular basis for work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) The guidelines prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) were not awarded on a competitive basis; or

(D) have been determined by a contracting officer to be poorly performed due to excessive costs or inferior quality.

(b) NEW REQUIREMENTS.—(1) No public-private competition may be required under Office of Management and Budget Circular A–76 or any other provision of law or regulation before the performance of a new requirement by Federal Government employees commences or the scope of an existing activity performed by Federal Government employees is expanded. Office of Management and Budget Circular A–76 shall be revised to ensure that the heads of all Federal agencies give fair consideration to the performance of new requirements by Federal Government employees.

(2) The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary shall include the use of the flexible hiring authority available through the National Security Personnel System in order to facilitate performance by Federal Government employees of new requirements and work that is performed under Department of Defense contracts.

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term ''National Security Personnel System'' means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term ''inherently governmental function'' has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

SEC. 858. COMPETITIVE SOURCING REPORTING REQUIREMENT.

Not later than February 1, 2005, the Inspector General of the Department of Defense shall submit to Congress a report addressing whether the Department of Defense—

(1) employs a sufficient number of adequately trained civilian employees—

(A) to conduct satisfactorily, taking into account equity, efficiency and expeditiousness, all of the public-private competitions that are scheduled to be undertaken by the Department of Defense during the next fiscal year (including a sufficient number of employees to formulate satisfactorily the performance work statements and most efficient organization plans for the purposes of such competitions); and

(B) to administer any resulting contracts; and

(2) has implemented a comprehensive and reliable system to track and assess the cost and quality of the performance of functions of the Department of Defense by service contractors.

SA 3258. Mr. GRAHAM of South Carolina (for himself, Mr. DASCHLE, Mrs. CLINTON, Ms. CANTWELL, Mr. DAYTON, Mr. ALLEN, Ms. MURKOWSKI, Mr. LOTT, Mr. COLEMAN, Mr. DEWINE, Mr. LEAHY, Mrs. LINCOLN, Mr. CORZINE, Mr. DORGAN, Mr. BINGAMAN, Mrs. MURRAY, and Ms. LANDRIEU) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

Beginning on page 134, strike line 18 and all that follows through page 141, line 12, and insert the following:

SEC. 706. EXPANDED ELIGIBILITY OF READY RESERVE MEMBERS UNDER TRICARE PROGRAM.

(a) UNCONDITIONAL ELIGIBILITY.—Subsection (a) of section 1076b of title 10, United States Code, is amended by striking ''is eligible, subject to subsection (h), to enroll in TRICARE'' and all that follows through ''an employer-sponsored health benefits plan'' and inserting '', except for a member who is enrolled or is eligible to enroll in a health benefits plan under chapter 89 of title 5, is eligible to enroll in TRICARE, subject to subsection (h)''.

(b) PERMANENT AUTHORITY.—Subsection (l) of such section is repealed.

(c) CONFORMING REPEAL OF OBSOLETE PROVISIONS.—Such section is further amended—

(1) by striking subsections (i) and (j); and

(2) by redesignating subsection (k) as subsection (i).

SEC. 707. CONTINUATION OF NON-TRICARE HEALTH BENEFITS PLAN COVERAGE FOR CERTAIN RESERVES CALLED OR ORDERED TO ACTIVE DUTY AND THEIR DEPENDENTS.

(a) REQUIRED CONTINUATION.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

''§ 1078b. Continuation of non-TRICARE health benefits plan coverage for dependents of certain Reserves called or ordered to active duty

''(a) PAYMENT OF PREMIUMS.—The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for the members of the family of an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subsection (j).

''(b) ELIGIBLE MEMBER; FAMILY MEMBERS.—(1) A member of a reserve component is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subsection (a) while serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of this title during a war or national emergency declared by the President or Congress.

''(2) For the purposes of this section, the members of the family of an eligible reserve component member include only the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

''(c) QUALIFIED HEALTH BENEFITS PLAN COVERAGE.—For the purposes of this section, health benefits plan coverage for the members of the family of a reserve component member called or ordered to active duty is qualified health benefits plan coverage if—

''(1) the coverage was in force on the date on which the Secretary notified the reserve component member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order;

''(2) on such date, the coverage applied to the reserve component member and members of the family of the reserve component member; and

''(3) the coverage has not lapsed.

''(d) APPLICABLE PREMIUM.—The applicable premium payable under this section for continuation of health benefits plan coverage for the family members of a reserve component member is the amount of the premium payable by the member for the coverage of the family members.

''(e) MAXIMUM AMOUNT.—The total amount that the Department of Defense may pay for the applicable premium of a health benefits plan for the family members of a reserve component member under this section in a fiscal year may not exceed the amount determined by multiplying—

''(1) the sum of one plus the number of the family members covered by the health benefits plan, by

''(2) the per capita cost of providing TRICARE coverage and benefits for dependents under this chapter for such fiscal year, as determined by the Secretary of Defense.

''(f) BENEFITS COVERAGE CONTINUATION PERIOD.—The benefits coverage continuation period under this section for qualified health benefits plan coverage for the family members of an eligible reserve component member called or ordered to active duty is the period that—

''(1) begins on the date of the call or order; and

''(2) ends on the earlier of—

''(A) the date on which the reserve component member's eligibility for transitional health care under section 1145(a) of this title terminates under paragraph (3) of such section; or

''(B) the date on which the reserve component member elects to terminate the continued qualified health benefits plan coverage of the member's family members.

''(g) EXTENSION OF PERIOD OF COBRA COVERAGE.—Notwithstanding any other provision of law—

''(1) any period of coverage under a COBRA continuation provision (as defined in section 9832(d)(1) of the Internal Revenue Code of 1986) for an eligible reserve component member under this section shall be deemed to be equal to the benefits coverage continuation period for such member under this section; and

''(2) with respect to the election of any period of coverage under a COBRA continuation provision (as so defined), rules similar to the rules under section 4980B(f)(5)(C) of such Code shall apply.

''(h) NONDUPLICATION OF BENEFITS.—A member of the family of a reserve component member who is eligible for benefits under qualified health benefits plan coverage paid on behalf of the reserve component member by the Secretary concerned under this section is not eligible for benefits under the TRICARE program during a period of the coverage for which so paid.

''(i) REVOCABILITY OF ELECTION.—A reserve component member who makes an election under subsection (a) may revoke the election. Upon such a revocation, the member's family members shall become eligible for benefits under the TRICARE program as provided for under this chapter.

''(j) REGULATIONS.—The Secretary of Defense shall prescribe regulations for carrying out this section. The regulations shall include such requirements for making an election of payment of applicable premiums as the Secretary considers appropriate.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

''1078b. Continuation of non-TRICARE health benefits plan coverage for dependents of certain Reserves called or ordered to active duty.''.

(b) APPLICABILITY.—Section 1078b of title 10, United States Code (as added by subsection (a)), shall apply with respect to calls or orders of members of reserve components of the Armed Forces to active duty as described in subsection (b) of such section, that are issued by the Secretary of a military department before, on, or after the date of the enactment of this Act, but only with respect to qualified health benefits plan coverage (as described in subsection (c) of such section) that is in effect on or after the date of the enactment of this Act.

SA 3259. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 365, between lines 18 and 19, insert the following:

SEC. 2830. MODIFICATION OF AUTHORITY FOR LAND CONVEYANCE, EQUIPMENT AND STORAGE YARD, CHARLESTON, SOUTH CAROLINA.

Section 563(h) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 360) is amended to read as follows:

''(h) CHARLESTON, SOUTH CAROLINA.—

''(1) IN GENERAL.—The Secretary may convey all right, title, and interest of the United States in and to a parcel of real property of the Corps of Engineers, together with any improvements thereon, that is known as the Equipment and Storage Yard and is located on Meeting Street in Charleston, South Carolina, in as-is condition.

''(2) CONSIDERATION.—As consideration for the conveyance of property under paragraph (1), the party to which such property is conveyed shall provide the United States, whether by cash payment, exchange of property or facilities, or a combination thereof, an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary.

''(3) DISCHARGE OF AUTHORITY THROUGH DIVISION ENGINEER, SOUTH ATLANTIC DIVISION.—The Division Engineer, South Atlantic Division, may, on behalf of the United States, execute deeds of conveyance and accept the consideration described in paragraph (2) in connection with the conveyance of property under paragraph (1).

''(4) USE OF PROCEEDS.—Amounts received as consideration under this subsection may be used by the Corps of Engineers, Charleston District—

''(A) to cover costs associated with the lease, purchase, or construction of an office facility within the boundaries of Charleston, Berkeley, and Dorchester Counties, South Carolina, notwithstanding any requirements in the Plant Replacement and Improvement Program (PRIP), or existing PRIP balances;

''(B) to cover any of the costs previously incurred in connection with the move of the District Headquarters of the Charleston District; or

''(C) to cover any of the costs previously incurred in connection with the Equipment and Storage Yard.''.

SA 3260. Mr. WARNER (for himself, Mr. LEVIN, and Mr. STEVENS) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 239, between lines 2 and 3, insert the following:

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS FOR A CONTINGENT EMERGENCY RESERVE FUND FOR OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated by this Act, there is hereby authorized to be appropriated for the Department of Defense for fiscal year 2005, subject to subsections (b) and (c), $25,000,000,000, to be available only for activities in support of operations in Iraq and Afghanistan.

(b) SPECIFIC AMOUNTS.—Of the amount authorized to be appropriated under subsection (a), funds are authorized to be appropriated in amounts for purposes as follows:

(1) For the Army for operation and maintenance, $14,000,000,000.

(2) For the Navy for operation and maintenance, $1,000,000,000.

(3) For the Marine Corps for operation and maintenance, $2,000,000,000.

(4) For the Air Force for operation and maintenance, $1,000,000,000.

(5) For operation and maintenance, Defense-wide activities, $2,000,000,000.

(6) For military personnel, $2,000,000,000.

(7) An additional amount of $3,000,000,000 to be available for transfer to—

(A) operation and maintenance accounts;

(B) military personnel accounts;

(C) research, development, test, and evaluation accounts;

(D) procurement accounts;

(E) classified programs; and

(F) Coast Guard operating expenses.

(c) AUTHORIZATION CONTINGENT ON BUDGET REQUEST.—The authorization of appropriations in subsection (a) shall be effective only to the extent that a budget request for all or part of the amount authorized to be appropriated under such subsection for the purposes set forth in such subsection is transmitted by the President to Congress after the date of the enactment of this Act and includes a designation of the requested amount as an emergency and essential to support activities in Iraq and Afghanistan.

(d) TRANSFER AUTHORITY.—(1) Of the amount authorized to be appropriated under subsection (b)(7) for transfer, no transfer may be made until the Secretary of Defense consults with the Chairmen and Ranking Members of the congressional defense committees and then notifies such committees in writing not later than five days before the transfer is made.

(2) The transfer authority provided under this section is in addition to any other transfer authority available to the Department of Defense.

(e) MONTHLY REPORT.—The Secretary of Defense shall submit to the congressional defense committees each month a report on the use of funds authorized to be appropriated under this section. The report for a month shall include in a separate display for each of Iraq and Aghanistan, the activity for which the funds were used, the purpose for which the funds were used, the source of the funds used to carry out that activity, and the account to which those expenditures were charged.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 2, 2004, at 10:15 a.m., in closed session to receive a briefing on the situation in Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 2, 2004, at 10 a.m., to conduct a hearing on ''The Role of State Securities Regulators in Protecting Investors.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the Committee on Commerce,

Science, and Transportation be authorized to meet Wednesday, June 2, 2004, at 9:30 a.m. on fire fighting aircraft.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet Wednesday, June 2, 2004, at 2:30 p.m. on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 2, 2003, at 9:30 a.m., to hold a hearing on the Greater Middle East Initiative.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, June 2, 2004 at 10 a.m. to hold a business meeting to consider pending Committee business.

AGENDA

Legislation

1. S. 2468, Postal Accountability and Enhancement Act.

2. S. 346, a bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements.

3. S. 1230, a bill to provide for additional responsibilities for the Chief Information Officer of the Department of Homeland Security relating to geospatial information.

4. S. 1292, Servitude and Emancipation Archival Research Clearinghouse Act of 2003.

5. S. 1358, Federal Employee Protection of Disclosures Act.

6. S. 2249, Emergency Food and Shelter Act of 2004.

7. S. 2322, a bill to amend chapter 90 of title 5, United States Code, to include employees of the District of Columbia courts as participants in long term care insurance for federal employees.

8. S. 2347, a bill to amend the District of Columbia Access Act of 1999 to permanently authorize the public school and private school tuition assistance programs established under the Act.

9. S. 2351, Emergency Medical Services Support Act.

10. S. 2409, a bill to provide for continued health benefits coverage for certain federal employees.

11. S. 2479, a bill to amend chapter 84 of title 5, United States Code, to provide for federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time.

12. H.R. 1303, a bill to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference.

Items for Approval

1. Committee Amendment to S. 1245, Homeland Security Grant Enhancement Act of 2003.

Post Office Naming Bills

1. S. 2017/H.R. 3742, a bill to designate the facility of the United States Postal Service, located at 93 Atocha Street in Ponce, Puerto Rico, as the ''Luis A. Ferre United States Courthouse and Post Office Building''.

2. S. 2214, a bill to designate the facility of the United States Postal Service, located at 3150 Great Northern Avenue in Missoula, Montana, as the ''Mike Mansfield Post Office''.

3. S. 2415, a bill to designate the facility of the United States Postal Service, located at 4141 Postmark Drive in Anchorage, Alaska, as the ''Robert J. Opinsky Post Office Building''.

4. H.R. 1822, a bill to designate the facility of the United States Postal Service, located at 3751 West 6th Street in Los Angeles, California, as the ''Dosan Ahn Chang Ho Post Office Building''.

5. H.R. 2130, a bill to designate the facility of the United States Postal Service, located at 121 Kinderkamack Road in River Edge, New Jersey, as the ''New Bridge Landing Post Office''.

6. H.R. 2438, a bill to designate the facility of the United States Postal Service, located at 115 West Pine Street in Hattiesburg, Mississippi, as the ''Major Henry A. Commiskey, Sr., Post Office Building''.

7. H.R. 3029/S. 1596, a bill to designate the facility of the United States Postal Service, located at 225 North Main Street in Jonesboro, Georgia as the ''S. Truett Cathy Post Office Building''.

8. H.R. 3059, to designate the facility of the United States Postal Service, located at 304 West Michigan Street in Stuttgart, Arkansas, as the ''Lloyd L. Burke Post Office''.

9. H.R. 3068, to designate the facility of the United States Postal Service, located at 2055 Siesta Drive in Sarasota, Florida, as the ''Brigadier General (AUS-Ret.) John H. McLain Post Office''.

10. H.R. 3234/S. 1763, to designate the facility of the United States Postal Service, located at 14 Chestnut Street in Liberty, New York, as the ''Ben R. Gerow Post Office Building''.

11. H.R. 3300, to designate the facility of the United States Postal Service, located at 15500 Pearl Road in Strongsville, Ohio, as the ''Walter F. Ehrnfelt, Jr. Post Office Building''.

12. H.R. 3353, to designate the facility of the United States Postal Service, located at 525 Main Street in Tarboro, North Carolina, as the ''George Henry White Post Office Building''.

13. H.R. 3536, to designate the facility of the United States Postal Service, located at 210 Main Street in Malden, Illinois, as the ''Army Staff Sgt. Lincoln Hollinsaid Malden Post Office''.

14. H.R. 3537, to designate the facility of the United States Postal Service, located at 185 State Street in Manhattan, Illinois, as the ''Army Pvt. Shawn Pahnke Manhattan Post Office''.

15. H.R. 3538, to designate the facility of the United States Postal Service, located at 201 South Chicago Avenue in Saint Anne, Illinois, as the ''Marine Capt. Ryan Beaupre Saint Anne Post Office''.

16. H.R. 3690/S. 2104, a bill to designate the facility of the United States Postal Service, located at 2 West Main Street in Batavia, New York, as the ''Barber Conable Post Office Building''.

17. H.R. 3733, a bill to designate the facility of the United States Postal Service, located at 410 Huston Street in Altamont, Kansas, as the ''Myron V. George Post Office''.

18. H.R. 3740/S. 2153, to designate the facility of the United States Postal Service, located at 223 South Main Street in Roxboro, North Carolina, as the ''Oscar Scott Woody Post Office Building''.

19. H.R. 3769, to designate the facility of the United States Postal Service, located at 137 East Young High Pike in Knoxville, Tennessee, as the ''Ben Atchly Post Office Building''.

20. H.R. 3855/S. 2441, to designate the facility of the United States Postal Service, located at 607 Pershing Drive in Laclede, Missouri, as the ''General John J. Pershing Post Office''.

21. H.R. 3917/S. 2255, to designate the facility of the United States Postal Service, located at 695 Marconi Boulevard in Copiague, New York, as the ''Maxine S. Postal United States Post Office Building''.

22. H.R. 3939/S. 2291, to designate the facility of the United States Postal Service, located at 14–24 Abbott Road in Fair Lawn, New Jersey, as the ''Mary Ann Collura Post Office Building''.

23. H.R. 3942, to redesignate the facility of the United States Postal Service, located at 7 Commercial Boulevard in Middletown, Rhode Island, as the ''Rhode Island Veterans Post Office Building''.

24. H.R. 4037/S. 2442, to designate the facility of the United States Postal Service, located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the ''Richard G. Wilson Processing and Distribution Facility''.

25. H.R. 4176, to designate the facility of the United States Postal Service, located at 122 West Elwood Avenue in Raeford, North Carolina, as the ''Bobby Marshall Gentry Post Office Building''.

26. H.R. 4299, to designate the facility of the United States Postal Service, located at 410 South Jackson Road in Edinsburg, Texas, as the ''Dr. Miguel A. Nevarez Post Office Building''.

Nominations

1. Albert Casey, to be a Governor for the United States Postal Service.

2. James C. Miller, III, to be a Governor for the United States Postal Service.

3. David Safavian, to be Administrator for Federal Procurement Policy, Office of Management and Budget.

4. Dawn Tisdale, to be Commissioner, Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Constitution, Civil Rights and Property Rights be authorized to meet to conduct a markup on Tuesday, June 2, 2004 at 1:30 p.m. in Dirksen Senate Office Building Room 226.

Agenda

S. J. Res. 4, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

Note: As agreed by Senators CORNYN and FEINGOLD, only amendments circulated to all other members of the subcommittee by 12:00 noon on Tuesday, June 1, 2004 shall be in order.

THE PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN INDIAN PROBATE REFORM ACT OF 2004

Mr. TALENT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 515, S. 1721.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1721) to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''American Indian Probate Reform Act of 2003''.

[SEC. 2. FINDINGS.

[Congress finds that—

[(1) the Act of February 8, 1887 (commonly known as the ''Indian General Allotment Act'') (25 U.S.C. 331 et seq.), which authorized the allotment of Indian reservations, did not permit Indian allotment owners to provide for the testamentary disposition of the land that was allotted to them;

[(2) that Act provided that allotments would descend according to State law of intestate succession based on the location of the allotment;

[(3) the reliance of the Federal Government on the State law of intestate succession with respect to the descent of allotments has resulted in numerous problems affecting Indian tribes, members of Indian tribes, and the Federal Government, including

[(A) the increasingly fractionated ownership of trust and restricted land as that land is inherited by successive generations of owners as tenants in common;

[(B) the application of different rules of intestate succession to each interest of a decedent in or to trust or restricted land if that land is located within the boundaries of more than 1 State, which application—

[(i) makes probate planning unnecessarily difficult; and

[(ii) impedes efforts to provide probate planning assistance or advice;

[(C) the absence of a uniform general probate code for trust and restricted land, which makes it difficult for Indian tribes to work cooperatively to develop tribal probate codes; and

[(D) the failure of Federal law to address or provide for many of the essential elements of general probate law, either directly or by reference, which—

[(i) is unfair to the owners of trust and restricted land (and heirs and devisees of owners); and

[(ii) makes probate planning more difficult; and

[(4) a uniform Federal probate code would likely—

[(A) reduce the number of fractionated interests in trust or restricted land;

[(B) facilitate efforts to provide probate planning assistance and advice;

[(C) facilitate intertribal efforts to produce tribal probate codes in accordance with section 206 of the Indian Land Consolidation Act (25 U.S.C. 2205); and

[(D) provide essential elements of general probate law that are not applicable on the date of enactment of this Act to interests in trust or restricted land.

[SEC. 3. INDIAN PROBATE REFORM.

[(a) TESTAMENTARY DISPOSITION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking subsection (a) and inserting the following:

[''(a) TESTAMENTARY DISPOSITION.—

[''(1) GENERAL DEVISE OF AN INTEREST IN TRUST OR RESTRICTED LAND.—

[''(A) IN GENERAL.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted land, or a tribal probate code approved by the Secretary in accordance with section 206, the owner of an interest in trust or restricted land may devise such an interest to—

[''(i) an Indian tribe with jurisdiction over the land; or

[''(ii) any Indian; or

[''(iii) any lineal descendant of the testator; or

[''(iv) any person who owns a preexisting undivided trust or restricted interest in the same parcel of land;

in trust or restricted status.

[''(B) RULE OF INTERPRETATION.—Any devise of an interest in trust or restricted land or personal property to a devisee listed in subparagraph (A) shall be considered to be a devise of the interest in trust or restricted status, unless—

[''(i) language in the will clearly evidences the testator's intent that the interest is to vest in the devisee as a fee interest without restrictions; or

[''(ii) the interest devised is a life estate.

[''(2) DEVISE OF TRUST OR RESTRICTED LAND AS A LIFE ESTATE OR IN FEE.—

[''(A) IN GENERAL.—Except as provided under any applicable Federal law, any interest in trust or restricted land that is not devised in accordance with paragraph (1) may be devised only—

[''(i) as a life estate without regard to waste to any person, with the remainder being devised only in accordance with subparagraph (B) or paragraph (1); or

[''(ii) except as provided in subparagraph (B), in fee to any person.

[''(B) LIMITATION.—Any interest in trust or restricted land that is subject to section 4 of the Act of June 18, 1934 (25 U.S.C. 464), may be devised only in accordance with—

[''(i) that section;

[''(ii) subparagraph (A)(i); or

[''(iii) paragraph (1).

[''(3) GENERAL DEVISE OF AN INTEREST IN TRUST OR RESTRICTED PERSONAL PROPERTY.—

[''(A) TRUST OR RESTRICTED PERSONAL PROPERTY DEFINED.—The term 'Trust or restricted personal property' as used in this section includes—

[''(i) all funds and securities of any kind which are held in trust in an individual Indian money account or otherwise supervised for the decedent by the Secretary; and

[''(ii) absent clear evidence to the contrary, all personal property permanently affixed to trust or restricted lands.

[''(B) IN GENERAL.—Subject to any applicable Federal law relating to the devise or descent of such trust or restricted personal property, or a tribal probate code approved by the Secretary in accordance with section 206, the owner of an interest in trust or restricted personal property may devise such an interest to any person or entity.

[''(C) MAINTENANCE AS TRUST OR RESTRICTED PERSONAL PROPERTY.—Except as provided in paragraph (1)(B), where an interest in trust or restricted personal property is devised to a devisee listed in paragraph (1)(A), the Secretary shall maintain and continue to manage such interests as trust or restricted personal property.

[''(D) DIRECT DISBURSEMENT AND DISTRIBUTION.—In the case of a devise of an interest in trust or restricted personal property to a devisee not listed in paragraph (1)(A), the Secretary shall directly disburse and distribute such personal property to the devisee.

[''(4) INELIGIBLE DEVISEES OF TRUST OR RESTRICTED INTEREST; INVALID WILLS.—Any interest in trust or restricted land or personal property that is devised as a trust or restricted interest to a devisee not listed in subparagraph (A) of paragraph (1) shall descend to the devisee as a fee interest. Any interest in trust or restricted land or personal property that is not disposed of by a valid will shall descend in accordance with the applicable law of intestate succession as provided for in subsection (b).''.

[(b) NONTESTAMENTARY DISPOSITION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking subsection (b) and inserting the following:

[''(b) NONTESTAMENTARY DISPOSITION.—

[''(1) RULES OF DESCENT.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted property, any interest in trust or restricted property, including personal property, that is not disposed of by a valid will—

[''(A) shall descend according to a tribal probate code that is approved in accordance with section 206; or

[''(B) in the case of an interest in trust or restricted property to which such a code does not apply, shall descend in accordance with—

[''(i) paragraphs (2) through (4); and

[''(ii) other applicable Federal law.

[''(2) RULES GOVERNING DESCENT OF ESTATE.—

[''(A) SURVIVING SPOUSE.—If there is a surviving spouse of the decedent, such spouse shall receive trust and restricted property in the estate as follows:

[''(i) If the decedent is survived by an heir described in subparagraph (B) (i), (ii), (iii), or

(iv), the surviving spouse shall receive ⅓ of the trust or restricted personal property of the decedent and a life estate without regard to waste in the interests in trust or restricted lands of the decedent.

[''(ii) If there are no heirs described in subparagraph (B) (i), (ii), (iii), or (iv), the surviving spouse shall receive all of the trust or restricted personal property of the decedent and a life estate without regard to waste in the trust or restricted lands.

[''(iii) The remainder shall pass as set forth in subparagraph (B).

[''(B) INDIAN HEIRS.—Where there is no surviving spouse of the decedent, or there is a remainder pursuant to subparagraph (A), the estate or remainder of the decedent shall, subject to subparagraph (A), pass as follows:

[''(i) To the Indian children of the decedent (or if 1 or more of those Indian children do not survive the decedent, the Indian children of the deceased child of the decedent, by right of representation, if such Indian children of the child survive the decedent) in equal shares.

[''(ii) If the property does not pass under clause (i), to the surviving Indian great-grandchildren of the decedent in equal shares.

[''(iii) If the property does not pass under clause (i) or (ii), to the surviving Indian brothers and sisters who are full siblings of the decedent or who are half-siblings by blood and not by marriage, in equal shares.

[''(iv) If the property does not pass under clause (i), (ii), or (iii), to the Indian parent or parents of the decedent in equal shares.

[''(v) If the property does not pass under clause (i), (ii), (iii), or (iv), to the Indian tribe with jurisdiction over the interests in trust or restricted lands;

except that notwithstanding clause (v), an Indian co-owner (including the Indian tribe referred to in clause (v)) of a parcel of trust or restricted land may acquire an interest that would otherwise descend under that clause by paying into the estate of the decedent, before the close of the probate of the estate, the fair market value of the interest in the land; if more than 1 Indian co-owner offers to pay for such interest, the highest bidder shall acquire the interest.

[''(C) NO INDIAN TRIBE.—If there is no Indian tribe with jurisdiction over the interests in trust or restricted lands that would otherwise descend under subparagraph (B)(v), then such interests shall be divided equally among co-owners of trust or restricted interests in the parcel; if there are no such co-owners, then the Secretary shall accumulate and hold such interests in trust or restricted status for the Indian tribe or tribes from which the decedent descended.

[''(3) RIGHT OF REPRESENTATION.—

[''(A) IN GENERAL.—Subject to subparagraph (B)—

[''(i) the interests passing to children and grandchildren of a decedent under paragraph (2) shall be divided into as many equal shares as there are surviving children of the decedent, deceased children who have died before the decedent without issue, and deceased children who have died before the decedent and have left grandchildren who survive the decedent; and

[''(ii) 1 share shall pass to each surviving child of the decedent and 1 share shall pass equally divided among the surviving children of a deceased child.

[''(B) EXCEPTION FOR HEIRS OF EQUAL CONSANGUINITY.—Notwithstanding subparagraph (A), when the persons entitled to take under subparagraph (B)(i) of paragraph (2) are all in the same degree of consanguinity to the decedent, they shall take in equal shares.

[''(4) SPECIAL RULE RELATING TO SURVIVAL.—In the case of intestate succession under this subsection, if an individual fails to survive the decedent by at least 120 hours, as established by clear and convincing evidence—

[''(A) the individual shall be deemed to have predeceased the decedent for the purpose of intestate succession; and

[''(B) the heirs of the decedent shall be determined in accordance with this section.

[''(5) STATUS OF INHERITED INTERESTS.—A trust or restricted interest in land or personal property that descends under the provisions of this subsection (not including any interest in land or personal property passing to a surviving spouse under paragraph (2)(A)) shall continue to have the same trust or restricted status in the hands of the heir as such interest had immediately prior to the decedent's death.''.

[(c) Section 207(c) of the Indian Land Consolidation Act (25 U.S.C. 2206 (c)) is amended by striking all that follows the heading, ''JOINT TENANCY; RIGHT OF SURVIVORSHIP'', and inserting the following: ''If a testator devises interests in the same parcel of trust or restricted lands to more than 1 person, in the absence of express language in the devise to the contrary, the devise shall be presumed to create joint tenancy with the right of survivorship in the interests involved.''.

[(d) RULE OF CONSTRUCTION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by adding at the end the following:

[''(h) APPLICABLE FEDERAL LAW.—

[''(1) IN GENERAL.—Any references in subsections (a) and (b) to applicable Federal law include—

[''(A) Public Law 91–627 (84 Stat. 1874);

[''(B) Public Law 92–377 (86 Stat. 530);

[''(C) Public Law 92–443 (86 Stat. 744);

[''(D) Public Law 96–274 (94 Stat. 537); and

[''(E) Public Law 98–513 (98 Stat. 2411).

[''(2) NO EFFECT ON LAWS.—Nothing in this section amends or otherwise affects the application of any law described in paragraph (1), or any other Federal law that provides for the devise and descent of any trust or restricted land located on a specific Indian reservation or for the devise and descent of the allotted lands of a specific tribe or specific tribes.

[''(i) RULES OF INTERPRETATION.—In the absence of a contrary intent, and except as otherwise provided under this Act or a tribal probate code approved by the Secretary pursuant to section 206, wills shall be construed as to trust and restricted land and personal property in accordance with the following rules:

[''(1) CONSTRUCTION THAT WILL PASSES ALL PROPERTY.—A will shall be construed to apply to all trust and restricted land and personal property which the testator owned at his death, including any such land or property acquired after the execution of his will.

[''(2) CLASS GIFTS.—

[''(A) Terms of relationship that do not differentiate relationships by blood from those by affinity, such as 'uncles', 'aunts', 'nieces' or 'nephews', are construed to exclude relatives by affinity. Terms of relationship that do not differentiate relationships by the half blood from those by the whole blood, such as 'brothers', 'sisters', 'nieces', or 'nephews', are construed to include both types of relationships.

[''(B) MEANING OF 'HEIRS' AND 'NEXT OF KIN,' ETC; TIME OF ASCERTAINING CLASS.—A devise of trust or restricted land or trust funds to the testator's or another designated person's 'heirs', 'next of kin', 'relatives', or 'family' shall mean those persons, including the spouse, who would be entitled to take under the provisions of this Act for nontestamentary disposition. The class is to be ascertained as of the date of the testator's death.

[''(C) TIME FOR ASCERTAINING CLASS.—In construing a devise to a class other than a class described in subparagraph (B), the class shall be ascertained as of the time the devise is to take effect in enjoyment. The surviving issue of any member of the class who is then dead shall take by right of representation the share which their deceased ancestor would have taken.

[''(3) MEANING OF 'DIE WITHOUT ISSUE' AND SIMILAR PHRASES.—In any devise under this chapter, the words 'die without issue', 'die without leaving issue', 'have no issue', or words of a similar import shall be construed to mean that an individual had no lineal descendants in his lifetime or at his death, and not that there will be no lineal descendants at some future time.

[''(4) PERSONS BORN OUT OF WEDLOCK.—In construing provisions of this chapter relating to lapsed and void devises, and in construing a devise to a person or persons described by relationship to the testator or to another, a person born out of wedlock shall be considered the child of the natural mother and also of the natural father.

[''(5) LAPSED AND VOID DEVISES AND LEGACIES; SHARES NOT IN RESIDUE.—Where a devise of property that is not part of the residuary estate fails or becomes void because—

[''(A) the beneficiary has predeceased the testator;

[''(B) the devise has been revoked by the testator; or

[''(C) the devise has been disclaimed by the beneficiary;

the property shall, if not otherwise expressly provided for under this Act or a tribal probate code, pass under the residuary clause, if any, contained in the will.

[''(6) LAPSED AND VOID DEVISES AND LEGACIES; SHARES IN RESIDUE.—When a devise as described in paragraph (7) shall be included in a residuary clause of the will and shall not be available to the issue of the devisee, and if the disposition shall not be otherwise expressly provided for by a tribal probate code, it shall pass to the other residuary devisees, if any, in proportion to their respective shares or interests in the residue.

[''(7) FAMILY CEMETERY PLOT.—If a family cemetery plot owned by the testator at his decease is not mentioned in the decedent's will, the ownership of the plot shall descend to his heirs as if he had died intestate.

[''(8) AFTER-BORN HEIRS.—A child in gestation at the time of decedent's death will be treated as having survived the decedent if the child lives at least 120 hours after its birth.

[''(9) ADVANCEMENTS OF TRUST OR RESTRICTED PERSONAL PROPERTY DURING LIFETIME; EFFECT ON DISTRIBUTION OF ESTATE.—

[''(A) The trust or restricted personal property of a decedent who dies intestate as to all or a portion of his or her estate, given during the decedent's lifetime to an heir of the decedent, shall be treated as an advancement against the heir's inheritance, but only if the decedent declared in a contemporaneous writing, or the heir acknowledged in writing, that the gift is an advancement or is to be taken into account in computing the division and distribution of the decedent's intestate estate.

[''(B) For the purposes of this section, trust or restricted personal property advanced during the decedent's lifetime is valued as of the time the heir came into possession or enjoyment of the property or as of the time of the decedent's death, whichever occurs first.

[''(C) If the recipient of the property predeceases the decedent, the property is not treated as an advancement or taken into account in computing the division and distribution of the decedent's intestate estate

unless the decedent's contemporaneous writing provides otherwise.

[''(10) HEIRS RELATED TO DECEDENT THROUGH 2 LINES; SINGLE SHARE.—A person who is related to the decedent through 2 lines of relationship is entitled to only a single share based on the relationship that would entitle the person to the larger share.

[''(j) HEIRSHIP BY KILLING.—

[''(1) 'HEIR BY KILLING' DEFINED.—As used in this subsection, 'heir by killing' means any person who participates, either as a principal or as an accessory before the fact, in the willful and unlawful killing of the decedent.

[''(2) NO ACQUISITION OF PROPERTY BY KILLING.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted property, no heir by killing shall in any way acquire any interests in trust or restricted property as the result of the death of the decedent, but such property shall pass in accordance with this subsection.

[''(3) DESCENT, DISTRIBUTION, AND RIGHT OF SURVIVORSHIP.—The heir by killing shall be deemed to have predeceased the decedent as to decedent's interests in trust or restricted property which would have passed from the decedent or his estate to the heir by killing—

[''(A) under intestate succession under this chapter;

[''(B) under a tribal probate code, unless otherwise provided for;

[''(C) as the surviving spouse;

[''(D) by devise;

[''(E) as a reversion or a vested remainder;

[''(F) as a survivorship interest; and

[''(G) as a contingent remainder or executory or other future interest.

[''(4) JOINT TENANTS, JOINT OWNERS, AND JOINT OBLIGEES.—

[''(A) Any trust or restricted land or personal property held by only the heir by killing and the decedent as joint tenants, joint owners, or joint obligees shall pass upon the death of the decedent to his or her estate, as if the heir by killing had predeceased the decedent.

[''(B) As to trust or restricted property held jointly by 3 or more persons, including both the heir by killing and the decedent, any income which would have accrued to the heir by killing as a result of the death of the decedent shall pass to the estate of the decedent as if the heir by killing had predeceased the decedent and any surviving joint tenants.

[''(C) Notwithstanding any other provision of this subsection, the decedent's interest in trust or restricted property that is held in a joint tenancy with the right of survivorship shall be severed from the joint tenancy as though the property held in the joint tenancy were to be severed and distributed equally among the joint tenants and the decedent's interest shall pass to his estate; the remainder of the interests shall remain in joint tenancy with right of survivorship among the surviving joint tenants.

[''(5) LIFE ESTATE FOR THE LIFE OF ANOTHER.—If the estate is held by a third person whose possession expires upon the death of the decedent, it shall remain in such person's hands for the period of the life expectancy of the decedent.

[''(6) PREADJUDICATION RULE.—

[''(A) IN GENERAL.—If a person has been charged, whether by indictment, information, or otherwise by the United States, a tribe, or any State, with voluntary manslaughter or homicide in connection with a decedent's death, then any and all trust or restricted land or personal property that would otherwise pass to that person from the decedent's estate shall not pass or be distributed by the Secretary until the charges have been resolved in accordance with the provisions of this paragraph.

[''(B) DISMISSAL OR WITHDRAWAL.—Upon dismissal or withdrawal of the charge, or upon a verdict of not guilty, such land and funds shall pass as if no charge had been filed or made.

[''(C) CONVICTION.—Upon conviction of such person, the trust and restricted land and personal property in the estate shall pass in accordance with this subsection.

[''(7) BROAD CONSTRUCTION; POLICY OF SUBSECTION.—This subsection shall not be considered penal in nature, but shall be construed broadly in order to effect the policy that no person shall be allowed to profit by his own wrong, wherever committed.

[''(k) GENERAL RULES GOVERNING PROBATE.—

[''(1) SCOPE.—The provisions of this subsection shall apply only to estates that are subject to probate under the provisions of subsections (a) and (b).

[''(2) PRETERMITTED SPOUSES AND CHILDREN.—

[''(A) SPOUSES.—

[''(i) IN GENERAL.—Except as provided in clause (ii), if the surviving spouse of a testator married the testator after the testator executed the will of the testator, the surviving spouse shall receive the intestate share in trust or restricted land that the spouse would have received if the testator had died intestate.

[''(ii) EXCEPTION.—Clause (i) shall not apply to an interest in trust or restricted land where—

[''(I) the will of a testator is executed before the date of enactment of this subparagraph;

[''(II)(aa) the spouse of a testator is a non-Indian; and

[''(bb) the testator devised the interests in trust or restricted land of the testator to 1 or more Indians;

[''(III) it appears, based on an examination of the will or other evidence, that the will was made in contemplation of the marriage of the testator to the surviving spouse;

[''(IV) the will expresses the intention that the will is to be effective notwithstanding any subsequent marriage; or

[''(V)(aa) the testator provided for the spouse by a transfer of funds or property outside the will; and

[''(bb) an intent that the transfer be in lieu of a testamentary provision is demonstrated by statements of the testator or through a reasonable inference based on the amount of the transfer or other evidence.

[''(iii) SPOUSES MARRIED AT THE TIME OF THE WILL.—Should the surviving spouse of the testator be omitted from the will of the testator, the surviving spouse shall be treated, for purposes of trust or restricted land or personal property in the testator's estate, as though there was no will under the provisions of section 207(b)(2)(A) if—

[''(I) the testator and surviving spouse were continuously married without legal separation for the 10-year period preceding the decedent's death;

[''(II) the testator and surviving spouse have a surviving child who is the child of the testator;

[''(III) the surviving spouse has made substantial payments on or improvements to the trust or restricted land in such estate; or

[''(IV) the surviving spouse is under a binding obligation to continue making loan payments for the trust or restricted land for a substantial period of time;

except that if there is evidence that the testator adequately provided for the surviving spouse and any minor children by a transfer of funds or property outside of the will, this clause shall not apply.

[''(iv) DEFINED TERMS.—The terms 'substantial payments or improvements' and 'substantial period of time' as used in subparagraph (A)(iii) (III) and (IV) shall have the meanings given to them in the regulations adopted by the Secretary under the provisions of this Act.

[''(B) CHILDREN.—

[''(i) IN GENERAL.—If a testator executed the will of the testator before the birth or adoption of 1 or more children of the testator, and the omission of the children from the will is a product of inadvertence rather than an intentional omission, the children shall share in the intestate interests of the decedent in trust or restricted land as if the decedent had died intestate.

[''(ii) ADOPTED HEIRS.—Any person recognized as an heir by virtue of adoption under the Act of July 8, 1940 (25 U.S.C. 372a), shall be treated as the child of a decedent under this subsection.

[''(iii) ADOPTED-OUT CHILDREN.—

[''(I) IN GENERAL.—For purposes of this Act, an adopted person shall not be considered the child or issue of his natural parents, except in distributing the estate of a natural kin, other than the natural parent, who has maintained a family relationship with the adopted person. If a natural parent shall have married the adopting parent, the adopted person for purposes of inheritance by, from and through him shall also be considered the issue of such natural parent.

[''(II) ELIGIBLE HEIR PURSUANT TO OTHER FEDERAL LAW OR TRIBAL LAW.—Notwithstanding the provisions of subparagraph (B)(iii)(I), other Federal laws and laws of the Indian tribe with jurisdiction over the trust or restricted land may otherwise define the inheritance rights of adopted-out children.

[''(3) DIVORCE.—

[''(A) SURVIVING SPOUSE.—

[''(i) IN GENERAL.—An individual who is divorced from a decedent, or whose marriage to the decedent has been annulled, shall not be considered to be a surviving spouse unless, by virtue of a subsequent marriage, the individual is married to the decedent at the time of death of the decedent.

[''(ii) SEPARATION.—A decree of separation that does not dissolve a marriage, and terminate the status of husband and wife, shall not be considered a divorce for the purpose of this subsection.

[''(iii) NO EFFECT ON ADJUDICATIONS.—Nothing in clause (i) prevents an entity responsible for adjudicating an interest in trust or restricted land from giving effect to a property right settlement if 1 of the parties to the settlement dies before the issuance of a final decree dissolving the marriage of the parties to the property settlement.

[''(B) EFFECT OF SUBSEQUENT DIVORCE ON A WILL OR DEVISE.—

[''(i) IN GENERAL.—If, after executing a will, a testator is divorced or the marriage of the testator is annulled, as of the effective date of the divorce or annulment, any disposition of interests in trust or restricted land made by the will to the former spouse of the testator shall be considered to be revoked unless the will expressly provides otherwise.

[''(ii) PROPERTY.—Property that is prevented from passing to a former spouse of a decedent under clause (i) shall pass as if the former spouse failed to survive the decedent.

[''(iii) PROVISIONS OF WILLS.—Any provision of a will that is considered to be revoked solely by operation of this subparagraph shall be revived by the remarriage of a testator to the former spouse of the testator.

[''(4) NOTICE.—

[''(A) IN GENERAL.—To the maximum extent practicable, the Secretary shall notify each owner of trust and restricted land of the provisions of this Act.

[''(B) COMBINED NOTICES.—The notice under subparagraph (A) may, at the discretion of the Secretary, be provided with the notice required under section 207(g).''.

[SEC. 4. PARTITION OF HIGHLY FRACTIONATED INDIAN LANDS.

[Section 205 of the Indian Land Consolidation Act (25 U.S.C. 2204) is amended by adding at the end the following:

[''(c) PARTITION OF HIGHLY FRACTIONATED INDIAN LANDS.—

[''(1) APPLICABILITY.—This subsection shall be applicable only to parcels of land (including surface and subsurface interests, except with respect to a subsurface interest that has been severed from the surface interest, in which case this subsection shall apply only to the surface interest) which the Secretary has determined, pursuant to paragraph (2)(B), to be parcels of highly fractionated Indian land.

[''(2) REQUIREMENTS.—Subject to section 223 of this Act, but notwithstanding any other provision of law, the Secretary shall ensure that each partition action meets the following requirements:

[''(A) REQUEST.—The Secretary shall commence a process for partitioning a parcel of land by sale in accordance with the provisions of this subsection upon receipt of an application by—

[''(i) the Indian tribe with jurisdiction over the subject land that owns an undivided interest in the parcel of land; or

[''(ii) any person owning an undivided trust or restricted interest in the parcel of land.

[''(B) DETERMINATION.—Upon receipt of an application pursuant to subparagraph (A), the Secretary shall determine whether the subject parcel meets the requirements set forth in section 202(6) (25 U.S.C. 2201(6)) to be classified as a parcel of highly fractionated Indian land.

[''(C) CONSENT REQUIREMENTS.—A parcel of land may be partitioned under this subsection only with the written consent of—

[''(i) the Indian tribe with jurisdiction over the subject land if such Indian tribe owns an undivided interest in the parcel;

[''(ii) any owner who, for the 3-year period immediately preceding the date on which the Secretary receives the application, has—

[''(I) continuously maintained a bona fide residence on the parcel; or

[''(II) continuously operated a bona fide farm, ranch, or other business on the parcel; and

[''(iii) the owners of at least 50 percent of the undivided interests in the parcel if, based on the final appraisal prepared pursuant to subparagraph (F), the Secretary determines that any person's undivided trust or restricted interest in the parcel has a value in excess of $1,000, except that the Secretary may consent on behalf of undetermined heirs, minors, and legal incompetents having no legal guardian, and missing owners or owners whose whereabouts are unknown but only after a search for such owners has been completed in accordance with the provisions of this subsection.

[''(D) PRELIMINARY APPRAISAL.—After the Secretary has determined that the subject parcel is a parcel of highly fractionated Indian land pursuant to subparagraph (B), the Secretary shall cause a preliminary appraisal of the subject parcel to be made.

[''(E) NOTICE TO OWNERS ON COMPLETION OF PRELIMINARY APPRAISAL.—Upon completion of the preliminary appraisal, the Secretary shall give written notice of the requested partition and preliminary appraisal to all owners of undivided interests in the parcel, in accordance with the following requirements:

[''(i) CONTENTS OF NOTICE.—The notice required by this subsection shall state—

[''(I) that a proceeding to partition the parcel of land by sale has been commenced;

[''(II) the legal description of the subject parcel;

[''(III) the owner's ownership interest in the subject parcel;

[''(IV) the results of the preliminary appraisal;

[''(V) the owner's right to request a copy of the preliminary appraisal;

[''(VI) the owner's right to comment on the proposed partition and the preliminary appraisal;

[''(VII) the date by which the owner's comments must be received, which shall not be less than 60 days after the date that the notice is mailed or published under paragraph (2); and

[''(VIII) the address for requesting copies of the preliminary appraisal and for submitting written comments.

[''(ii) MANNER OF SERVICE.—

[''(I) SERVICE BY MAIL.—The Secretary shall attempt to provide all owners of interests in the subject parcel with actual notice of the partition proceeding by mailing a copy of the written notice described in clause (i) by first class mail to each such owner at the owner's last known address. In the event the written notice to an owner is returned undelivered, the Secretary shall, in accordance with regulations adopted to implement the provisions of this section, attempt to obtain a current address for such owner by inquiring with—

[''(aa) the owner's relatives, if any are known;

[''(bb) the Indian tribe of which the owner is a member; and

[''(cc) the Indian tribe with jurisdiction over the subject parcel.

[''(II) SERVICE BY PUBLICATION.—In the event that the Secretary is unable to serve the notice by mail pursuant to subclause (II), the notice shall be served by publishing the notice 2 times in a newspaper of general circulation in the county or counties where the subject parcel of land is located.

[''(F) FINAL APPRAISAL.—After reviewing and considering comments or information submitted by any owner of an interest in the parcel in response to the notice required under subparagraph (E), the Secretary may—

[''(i) modify the preliminary appraisal and, as modified, determine it to be the final appraisal for the parcel; or

[''(ii) determine that preliminary appraisal should be the final appraisal for the parcel, without modifications.

[''(G) NOTICE TO OWNERS ON DETERMINATION OF FINAL APPRAISAL.—Upon making the determination under subparagraph (F) the Secretary shall provide to each owner of the parcel of land and the Indian tribe with jurisdiction over the subject land, written notice served in accordance with subparagraph (E)(ii) stating—

[''(i) the results of the final appraisal;

[''(ii) the owner's right to review a copy of the appraisal upon request; and

[''(iii) that the land will be sold in accordance with subparagraph (G) for not less than the final appraised value subject to the consent requirements under paragraph (2)(C).

[''(H) SALE.—Subject to the requirements of paragraph (2)(C), the Secretary shall—

[''(i) provide every owner of the parcel of land and the Indian tribe with jurisdiction over the subject land with notice that—

[''(I) the decision to partition by sale is final; and

[''(II) each owner has the right to appeal the determination of the Secretary to partition the parcel of land by sale, including the right to appeal the final appraisal;

[''(ii) after providing public notice of the sale pursuant to regulations adopted by the Secretary to implement this subsection, offer to sell the land by competitive bid for not less than the final appraised value to the highest bidder from among the following eligible bidders:

[''(I) any owner of a trust or restricted interest in the parcel being sold;

[''(II) the Indian tribe, if any, with jurisdiction over the parcel being sold; and

[''(III) any member of the Indian tribe described in subclause (II); and

[''(iii) if no bidder described in clause (ii) presents a bid that equals or exceeds the appraised value, provide notice to the owners of the parcel of land and terminate the partition process.

[''(I) DECISION NOT TO SELL.—If the required owners do not consent to the partition by sale of the parcel of land, in accordance with paragraph (2)(C), by a date established by the Secretary, the Secretary shall provide each Indian tribe with jurisdiction over the subject land and each owner notice of that fact.

[''(3) ENFORCEMENT.—

[''(A) IN GENERAL.—If a partition is approved under this subsection and an owner of an interest in the parcel of land refuses to surrender possession in accordance with the partition decision, or refuses to execute any conveyance necessary to implement the partition, then any affected owner or the United States may—

[''(i) commence a civil action in the United States district court for the district in which the parcel of land is located; and

[''(ii) request that the court issue an appropriate order for the partition of the land in kind or by sale.

[''(B) FEDERAL ROLE.—With respect to any civil action brought under subparagraph (A)—

[''(i) the United States—

[''(I) shall receive notice of the civil action; and

[''(II) may be a party to the civil action; and

[''(ii) the civil action shall not be dismissed, and no relief requested shall be denied, on the ground that the civil action is 1 against the United States or that the United States is an indispensable party.

[''(4) REGULATIONS.—The Secretary is authorized to adopt such regulations as may be necessary to implement the provisions of this subsection.''.

[SEC. 5. OWNER-MANAGED INTERESTS.

[The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended by adding at the end the following:

["SEC. 221. OWNER-MANAGED INTERESTS.

[''(a) PURPOSE.—The purpose of this section is to provide a means for the co-owners of trust or restricted interests in a parcel of land to enter into surface leases of such parcel without approval of the Secretary.

[''(b) MINERAL INTERESTS.—Nothing in this section shall be construed to limit or otherwise affect the application of any Federal law requiring the Secretary to approve mineral leases or other agreements for the development of the mineral interest in trust or restricted land.

[''(c) OWNER MANAGEMENT.—

[''(1) IN GENERAL.—Notwithstanding any provision of Federal law requiring the Secretary to approve individual Indian leases or mortgages of individual Indian trust or restricted land, where the owners of all of the undivided trust or restricted interests in a parcel of land have submitted applications to the Secretary pursuant to subsection (a), and the Secretary has approved such applications under subsection (d), such owners may, without further approval by the Secretary, do either of the following with respect to their interest in such parcel:

[''(A) Enter into a lease of the parcel for any purpose authorized by section 1 of the

Act of August 9, 1955 (25 U.S.C. 415(a)), for an initial term not to exceed 25 years.

[''(B) Renew any lease described in paragraph (1) for 1 renewal term not to exceed 25 years.

[''(2) RULE OF CONSTRUCTION.—No such lease or renewal of a lease shall be effective until the owners of all undivided trust or restricted interests in the parcel have executed such lease or renewal.

[''(d) APPROVAL OF APPLICATIONS FOR OWNER MANAGEMENT.—

[''(1) IN GENERAL.—Subject to the provisions of paragraph (2), the Secretary shall approve an application for owner management submitted by a qualified applicant pursuant to this section unless the Secretary has reason to believe that the applicant is submitting the application as the result of fraud or undue influence.

[''(2) COMMENCEMENT OF OWNER-MANAGEMENT STATUS.—Notwithstanding the approval of 1 or more applications pursuant to paragraph (1), no interest in a parcel of trust or restricted land shall have owner-management status until applications for all of the trust or restricted interests in such parcel have been submitted and approved by the Secretary pursuant to this section and in accordance with regulations adopted pursuant to subsection (l).

[''(e) VALIDITY OF LEASES.—A lease of trust or restricted interests in a parcel of land that is owner-managed under this section that violates any requirement or limitation set forth in subsection (c) shall be null and void and unenforceable against the owners of such interests, or against the land, the interest or the United States.

[''(f) LEASE REVENUES.—The Secretary shall not be responsible for the collection of, or accounting for, any lease revenues accruing to any interests subject to this section while such interest is in owner-management status under the provisions of this section.

[''(g) JURISDICTION.—

[''(1) JURISDICTION UNAFFECTED BY STATUS.—The Indian tribe with jurisdiction over an interest in trust or restricted land that becomes owner-managed in accordance with this section shall continue to have jurisdiction over the interest in trust or restricted land to the same extent and in all respects the tribe had prior to the interest acquiring owner managed status.

[''(2) PERSONS USING LAND.—Any person holding, leasing, or otherwise using such interest in land shall be considered to consent to the jurisdiction of the Indian tribe with jurisdiction over the interest, including such tribe's laws and regulations, if any, relating to the use, and any effects associated with the use, of the interest.

[''(h) CONTINUATION OF OWNER-MANAGED STATUS; REVOCATION.—

[''(1) IN GENERAL.—Subject to the provisions of paragraph (2), after the applications of the owners of all of the trust or restricted interests in a parcel of land have been approved by the Secretary pursuant to subsection (d), each such interest shall continue in owner-managed status under this section notwithstanding any subsequent conveyance of the interest in trust or restricted status to another person or the subsequent descent of the interest in trust or restricted status by testate or intestate succession to 1 or more heirs.

[''(2) REVOCATION.—Owner-managed status of an interest may be revoked upon written request of owners (including the parents or legal guardians of minors or incompetent owners) of all trust or restricted interests in the parcel, submitted to the Secretary in accordance with regulations adopted under subsection (l). The revocation shall become effective as of the date on which the last of all such requests have been delivered to the Secretary.

[''(3) EFFECT OF REVOCATION.—Revocation of owner-managed status under paragraph (2) shall not affect the validity of any lease made in accordance with the provisions of this section prior to the effective date of the revocation, provided that, after such revocation becomes effective, the Secretary shall be responsible for the collection of, and accounting for, all future lease revenues accruing to the trust or restricted interests in the parcel from and after such effective date.

[''(i) DEFINED TERMS.—

[''(1) For purposes of subsection (d)(1), the term 'qualified applicant' means—

[''(A) a person over the age of 18 who owns a trust or restricted interest in a parcel of land; and

[''(B) the parent or legal guardian of a minor or incompetent person who owns a trust or restricted interest in a parcel of land.

[''(2) For purposes of this section, the term 'owner-managed status' means, with respect to a trust or restricted interest, that the interest—

[''(A) is a trust or restricted interest in a parcel of land for which applications covering all trust or restricted interests in such parcel have been submitted to and approved by the Secretary pursuant to subsection (d);

[''(B) may be leased without approval of the Secretary pursuant to, and in a manner that is consistent with the requirements of, this section; and

[''(C) no revocation has occurred under subsection (h)(2).

[''(j) SECRETARIAL APPROVAL OF OTHER TRANSACTIONS.—Except with respect to the specific lease transactions described in paragraphs (1) and (2) of subsection (c), interests held in owner-managed status under the provisions of this section shall continue to be subject to all Federal laws requiring the Secretary to approve transactions involving trust or restricted land that would otherwise apply to such interests.

[''(k) EFFECT OF SECTION.—Subject to subsections (c), (f), and (h), nothing in this section limits or otherwise affects any authority or responsibility of the Secretary with respect to an interest in trust or restricted land.

[''(l) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.''.

[SEC. 6. ADDITIONAL AMENDMENTS.

[(a) IN GENERAL.—The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

[(1) in the second sentence of section 205(a) (25 U.S.C. 2204(a)), by striking ''over 50 per centum of the undivided interests'' and inserting ''undivided interests equal to at least 50 percent of the undivided interest'';

[(2) in section 205 (25 U.S.C. 2204), by adding subsection (c) as follows:

[''(c) PURCHASE OPTION AT PROBATE.—

[''(1) IN GENERAL.—Subject to section 207(b)(2)(A) of this Act (25 U.S.C. 2206(b)(2)(A)), interests in a parcel of trust or restricted land in the decedent's estate may be purchased at probate in accordance with the provisions of this subsection.

[''(2) SALE OF INTEREST AT MINIMUM FAIR MARKET VALUE.—Subject to paragraph (3), the Secretary is authorized to sell trust or restricted interests subject to this subsection at no less than fair market value to the highest bidder from among the following eligible bidders:

[''(A) The heirs taking by intestate succession or the devisees listed in section 207(a)(1)(A).

[''(B) All persons who own undivided trust or restricted interests in the same parcel of land involved in the probate proceeding.

[''(C) The Indian tribe with jurisdiction over the interest, or the Secretary on behalf of such Indian tribe.

[''(3) REQUEST FOR AUCTION.—No auction and sale of an interest in probate shall occur under this subsection unless—

[''(A) except as provided in paragraph (6), the heirs or devises of such interest consent to the sale; and

[''(B) a person or the Indian tribe eligible to bid on the interest under paragraph (2) submits a request for the auction prior to the distribution of the interest to heirs or devisees of the decedent and in accordance with any regulations of the Secretary.

[''(4) APPRAISAL AND NOTICE.—Prior to the sale of an interest pursuant to this subsection, the Secretary shall—

[''(A) appraise the interest; and

[''(B) publish notice of the time and place of the auction (or the time and place for submitting sealed bids), a description, and the appraised value, of the interest to be sold.

[''(5) RIGHTS OF SURVIVING SPOUSE.—Nothing in this subsection shall be construed to diminish or otherwise affect the rights of a surviving spouse under section 207(b)(2)(A).

[''(6) HIGHLY FRACTIONATED INDIAN LANDS.—Notwithstanding paragraph (3)(A), the consent of an heir shall not be required for the auction and sale of an interest at probate under this subsection if—

[''(A) the interest is passing by intestate succession; and

[''(B) prior to the auction the Secretary determines that the interest involved is an interest in a parcel of highly fractionated Indian land.

[''(7) REGULATIONS.—The Secretary shall promulgate regulations to implement the provisions of this subsection.'';

[(3) in section 206 (25 U.S.C. 2205)—

[(A) in subsection (a), by striking paragraph (3) and inserting the following:

[''(3) TRIBAL PROBATE CODES.—Except as provided in any applicable Federal law, the Secretary shall not approve a tribal probate code, or an amendment to such a code, that prohibits the devise of an interest in trust or restricted land by—

[''(A) an Indian lineal descendant of the original allottee; or

[''(B) an Indian who is not a member of the Indian tribe with jurisdiction over such an interest;

unless the code provides for—

[''(i) the renouncing of interests to eligible devisees in accordance with the code;

[''(ii) the opportunity for a devisee who is the spouse or lineal descendant of a testator to reserve a life estate without regard to waste; and

[''(iii) payment of fair market value in the manner prescribed under subsection (c)(2).''; and

[(B) in subsection (c)—

[(i) in paragraph (1)—

[(I) by striking the paragraph heading and inserting the following:

[''(1) AUTHORITY.—

[''(A) IN GENERAL.—'';

[(II) in the first sentence of subparagraph (A) (as redesignated by clause (i)), by striking ''section 207(a)(6)(A) of this title'' and inserting ''section 207(a)(2)(A)(ii) of this title''; and

[(III) by striking the last sentence and inserting the following:

[''(B) TRANSFER.—The Secretary shall transfer payments received under subparagraph (A) to any person or persons who would have received an interest in land if the interest had not been acquired by the Indian tribe in accordance with this paragraph.''; and

[(ii) in paragraph (2)—

[(I) in subparagraph (A)—

[(aa) by striking the subparagraph heading and all that follows through ''Paragraph (1) shall not apply'' and inserting the following:

[''(A) INAPPLICABILITY TO CERTAIN INTERESTS.—

[''(i) IN GENERAL.—Paragraph (1) shall not apply'';

[(bb) in clause (i) (as redesignated by item (aa)), by striking ''if, while'' and inserting the following: ''if—

[''(I) while'';

[(cc) by striking the period at the end and inserting ''; or''; and

[(dd) by adding at the end the following:

[''(II)—

[''(aa) the interest is part of a family farm that is devised to a member of the family of the decedent; and

[''(bb) the devisee agrees that the Indian tribe with jurisdiction over the land will have the opportunity to acquire the interest for fair market value if the interest is offered for sale to an entity that is not a member of the family of the owner of the land.

[''(ii) RECORDING OF INTEREST.—On request by an Indian tribe described in clause (i)(II)(bb), a restriction relating to the acquisition by the Indian tribe of an interest in a family farm involved shall be recorded as part of the deed relating to the interest involved.

[''(iii) MORTGAGE AND FORECLOSURE.—Nothing in clause (i)(II) prevents or limits the ability of an owner of land to which that clause applies to mortgage the land or limit the right of the entity holding such a mortgage to foreclose or otherwise enforce such a mortgage agreement in accordance with applicable law.

[''(iv) DEFINITION OF 'MEMBER OF THE FAMILY'.—In this paragraph, the term 'member of the family', with respect to a decedent or landowner, means—

[''(I) a lineal descendant of a decedent or landowner;

[''(II) a lineal descendant of the grandparent of a decedent or landowner;

[''(III) the spouse of a descendant or landowner described in subclause (I) or (II); and

[''(IV) the spouse of a decedent or landowner.'';

[(4) in subparagraph (B), by striking ''subparagraph (A)'' and all that follows through ''207(a)(6)(B) of this title'' and inserting ''paragraph (1)'';

[(5) in section 207 (25 U.S.C. 2206), subsection (g)(5), by striking ''this section'' and inserting ''subsections (a) and (b)'';

[(6) in section 213 (25 U.S.C. 2212)—

[(A) by striking the section heading and inserting the following:

["SEC. 2212. FRACTIONAL INTEREST ACQUISITION PROGRAM.";

[(B) in subsection (a)—

[(i) by striking ''(2) AUTHORITY OF SECRETARY.—'' and all that follows through ''the Secretary shall submit'' and inserting the following:

[''(2) AUTHORITY OF SECRETARY.—The Secretary shall submit''; and

[(ii) by striking ''whether the program to acquire fractional interests should be extended or altered to make resources'' and inserting ''how the fractional interest acquisition program should be enhanced to increase the resources made'';

[(C) in subsection (b), by striking paragraph (4) and inserting the following:

[''(4) shall minimize the administrative costs associated with the land acquisition program through the use of policies and procedures designed to accommodate the voluntary sale of interests under the pilot program under this section, notwithstanding the existence of any otherwise applicable policy, procedure, or regulation, through the elimination of duplicate—

[''(A) conveyance documents;

[''(B) administrative proceedings; and

[''(C) transactions.''.

[(D) in subsection (c)—

[(i) in paragraph (1)—

[(I) in subparagraph (A), by striking ''at least 5 percent of the'' and inserting in its place ''an'';

[(II) in subparagraph (A), by inserting ''in such parcel'' following ''the Secretary shall convey an interest'';

[(III) in subparagraph (A), by striking ''landowner upon payment'' and all that follows and inserting the following: ''landowner—

[''(i) on payment by the Indian landowner of the amount paid for the interest by the Secretary; or

[''(ii) if—

[''(I) the Indian referred to in this subparagraph provides assurances that the purchase price will be paid by pledging revenue from any source, including trust resources; and

[''(II) the Secretary determines that the purchase price will be paid in a timely and efficient manner.''; and

[(IV) in subparagraph (B), by inserting before the period at the end the following: ''unless the interest is subject to a foreclosure of a mortgage in accordance with the Act of March 29, 1956 (25 U.S.C. 483a)''; and

[(ii) in paragraph (3), by striking ''10 percent or more of the undivided interests'' and inserting ''an undivided interest'';

[(7) in section 214 (25 U.S.C. 2213), by striking subsection (b) and inserting the following:

[''(b) APPLICATION OF REVENUE FROM ACQUIRED INTERESTS TO LAND CONSOLIDATION PROGRAM.—

[''(1) IN GENERAL.—The Secretary shall have a lien on any revenue accruing to an interest described in subsection (a) until the Secretary provides for the removal of the lien under paragraph (3), (4), or (5).

[''(2) REQUIREMENTS.—

[''(A) IN GENERAL.—Until the Secretary removes a lien from an interest in land under paragraph (1)—

[''(i) any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary; and

[''(ii) any revenue derived from any interest acquired by the Secretary in accordance with section 213 shall be deposited in the fund created under section 216.

[''(B) APPROVAL OF TRANSACTIONS.—Notwithstanding section 16 of the Act of June 18, 1934 (commonly known as the 'Indian Reorganization Act') (25 U.S.C. 476), or any other provision of law, until the Secretary removes a lien from an interest in land under paragraph (1), the Secretary may approve a transaction covered under this section on behalf of an Indian tribe.

[''(3) REMOVAL OF LIENS AFTER FINDINGS.—The Secretary may remove a lien referred to in paragraph (1) if the Secretary makes a finding that—

[''(A) the costs of administering the interest from which revenue accrues under the lien will equal or exceed the projected revenues for the parcel of land involved;

[''(B) in the discretion of the Secretary, it will take an unreasonable period of time for the parcel of land to generate revenue that equals the purchase price paid for the interest; or

[''(C) a subsequent decrease in the value of land or commodities associated with the parcel of land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time.

[''(4) REMOVAL OF LIENS UPON PAYMENT INTO THE ACQUISITION FUND.—The Secretary shall remove a lien referred to in paragraph (1) upon payment of an amount equal to the purchase price of that interest in land into the Acquisition Fund created under section 2215 of this title, except where the tribe with jurisdiction over such interest in land authorizes the Secretary to continue the lien in order to generate additional acquisition funds.

[''(5) OTHER REMOVAL OF LIENS.—In accordance with regulations to be promulgated by the Secretary, and in consultation with tribal governments and other entities described in section 213(b)(3), the Secretary shall periodically remove liens referred to in paragraph (1) from interests in land acquired by the Secretary.'';

[(8) in section 216 (25 U.S.C. 2215)—

[(A) in subsection (a), by striking paragraph (2) and inserting the following:

[''(2) collect all revenues received from the lease, permit, or sale of resources from interests acquired under section 213 or paid by Indian landowners under section 213.''; and

[(B) in subsection (b)—

[(i) in paragraph (1)—

[(I) in the matter preceding subparagraph (A), by striking ''Subject to paragraph (2), all'' and inserting ''All'';

[(II) in subparagraph (A), by striking ''and'' at the end;

[(III) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

[(IV) by adding at the end the following:

[''(C) be used to acquire undivided interests on the reservation from which the income was derived.''; and

[(ii) by striking paragraph (2) and inserting the following:

[''(2) USE OF FUNDS.—The Secretary may use the revenue deposited in the Acquisition Fund under paragraph (1) to acquire some or all of the undivided interests in any parcels of land in accordance with section 205.'';

[(9) in section 217 (25 U.S.C. 2216)—

[(A) in subsection (b)(1) by striking subparagraph (B) and inserting a new subparagraph (B) as follows—

[''(B) WAIVER OF REQUIREMENT.—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an owner of an interest in trust or restricted land either selling, exchanging, or conveying by gift deed for no or nominal consideration such interest—

[''(i) to an Indian person who is the owner's spouse, brother, sister, lineal ancestor, lineal descendant, or collateral heir; or

[''(ii) to an Indian co-owner or to a tribe with jurisdiction over the subject parcel of land, where the grantor owns a fractional interest that represents 5 percent or less of the parcel.''.

[(B) in subsection (e), by striking the matter preceding paragraph (1), and inserting ''Notwithstanding any other provision of law, the names and mailing addresses of the owners of any interest in trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual shall, upon written request, be made available to—'';

[(C) in subsection (e)(1), by striking ''Indian'';

[(D) in subsection (e)(3), by striking ''prospective applicants for the leasing, use, or consolidation of'' and insert ''any person that is leasing, using, or consolidating, or is applying to lease, use, or consolidate,''; and

[(E) by striking subsection (f) and inserting the following:

[''(f) PURCHASE OF LAND BY INDIAN TRIBE.—

[''(1) IN GENERAL.—Except as provided in paragraph (2), before the Secretary approves an application to terminate the trust status or remove the restrictions on alienation from a parcel of trust or restricted land, the

Indian tribe with jurisdiction over the parcel shall have the opportunity—

[''(A) to match any offer contained in the application; or

[''(B) in a case in which there is no purchase price offered, to acquire the interest in the parcel by paying the fair market value of the interest.

[''(2) EXCEPTION FOR FAMILY FARMS.—

[''(A) IN GENERAL.—Paragraph (1) shall not apply to a parcel of trust or restricted land that is part of a family farm that is conveyed to a member of the family of a landowner (as defined in section 206(c)(2)(A)(iv)) if the conveyance requires that in the event that the interest is offered for sale to an entity that is not a member of the family of the landowner, the Indian tribe with jurisdiction over the land shall be afforded the opportunity to purchase the interest pursuant to paragraph (1).

[''(B) APPLICABILITY OF OTHER PROVISION.—Section 206(c)(2)(A) shall apply with respect to the recording and mortgaging of any trust or restricted land referred to in subparagraph (A).''; and

[(10) in section 219(b)(1)(A) (25 U.S.C. 2218(b)(1)(A)), by striking ''100'' and inserting ''90''.

[(b) DEFINITIONS.—Section 202 of the Indian Land Consolidation Act (25 U.S.C. 2201) is amended—

[(1) by striking paragraph (2) and inserting the following:

[''(2) 'Indian' means—

[''(A) any person who is a member of any Indian tribe, is eligible to become a member of any Indian tribe, or is an owner (as of the date of enactment of the American Indian Probate Reform Act of 2003) of an interest in trust or restricted land;

[''(B) any person meeting the definition of Indian under the Indian Reorganization Act (25 U.S.C. 479) and the regulations promulgated thereunder;

[''(C) any person not included in subparagraph (A) or (B) who is a lineal descendant within 3 degrees of a person described in subparagraph (A);

[''(D) an owner of a trust or restricted interest in a parcel of land for purposes of inheriting another trust or restricted interest in such parcel; and

[''(E) with respect to the ownership, devise, or descent of trust or restricted land in the State of California, any person who meets the definition of 'Indians of California' contained in the first section of the Act of May 18, 1928 (25 U.S.C. 651), until otherwise provided by Congress in accordance with section 809(b) of the Indian Health Care Improvement Act (25 U.S.C. 1679)(b)).''; and

[(2) by adding at the end the following:

[''(6) 'Parcel of highly fractionated Indian land' means a parcel of land that the Secretary, pursuant to authority under a provision of this Act, determines to have at the time of the determination—

[''(A)(i) 100 or more but less than 200 co-owners of undivided trust or restricted interests; and

[''(ii) no undivided trust or restricted interest owned by any 1 person which represents more than 2 percent of the total undivided ownership of the parcel; or

[''(B)(i) 200 or more but less than 350 co-owners of undivided trust or restricted interests; and

[''(ii) no undivided trust or restricted interest owned by any 1 person which represents more than 5 percent of the total undivided ownership of the parcel; or

[''(C) 350 or more co-owners of undivided trust or restricted interests.

[''(7) 'Person' means a natural person.''.

[(c) ISSUANCE OF PATENTS.—Section 5 of the Act of February 8, 1887 (25 U.S.C. 348), is amended by striking the second proviso and inserting the following: '*Provided*, That the rules of intestate succession under the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (including a tribal probate code approved under that Act or regulations promulgated under that Act) shall apply to that land for which patents have been executed and delivered:''.

[(d) TRANSFERS OF RESTRICTED INDIAN LAND.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464), is amended in the first proviso by—

[(1) striking '', in accordance with'' and all that follows through ''or in which the subject matter of the corporation is located,'';

[(2) striking '', except as provided by the Indian Land Consolidation Act'' and all that follows through the colon; and

[(3) inserting ''in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (including a tribal probate code approved under that Act or regulations promulgated under that Act):''.

[(e) ESTATE PLANNING.—

[(1) CONDUCT OF ACTIVITIES.—Section 207(f)(1) of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking paragraph (1) and inserting the following—

[''(1) IN GENERAL.—

[''(A) The activities conducted under this subsection shall be conducted in accordance with any applicable—

[''(i) tribal probate code; or

[''(ii) tribal land consolidation plan.

[''(B) The Secretary shall provide estate planning assistance in accordance with this subsection, to the extent amounts are appropriated for such purpose.''.

[(2) REQUIREMENTS.—Section 207(f) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)) is amended by striking ''and'' at the end of subparagraph (A), redesignating subparagraph (B) as subparagraph (D), and adding the following—

[''(B) dramatically increase the use of wills and other methods of devise among Indian landowners;

[''(C) substantially reduce the quantity and complexity of Indian estates that pass intestate through the probate process, while protecting the rights and interests of Indian landowners; and''; and

[(3) by striking ''(3) CONTRACTS.—'' and inserting the following—

[''(3) INDIAN CIVIL LEGAL ASSISTANCE GRANTS.—In carrying out this section, the Secretary shall award grants to nonprofit entities, as defined under section 501(c)(3) of the Internal Revenue Code of 1986, which provide legal assistance services for Indian tribes, individual owners of interests in trust or restricted lands, or Indian organizations pursuant to Federal poverty guidelines which submit an application to the Secretary, in such form and manner as the Secretary may prescribe, for the provision of civil legal assistance to such Indian tribes, individual owners, and Indian organizations for the development of tribal probate codes, for estate planning services or for other purposes consistent with the services they provide to Indians and Indian tribes.''; and

[(4) by adding at the end of section 207 (25 U.S.C. 2206) the following:

[''(k) NOTIFICATION TO LANDOWNERS.—

[''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall provide to each Indian landowner a report that lists, with respect to each tract of trust or restricted land in which the Indian landowner has an interest—

[''(A) the location of the tract of land involved;

[''(B) the identity of each other co-owner of interests in the parcel of land; and

[''(C) the percentage of ownership of each owner of an interest in the tract.

[''(2) STATUTORY CONSTRUCTION.—Nothing in this subsection shall preclude any individual Indian from obtaining from the Secretary, upon the request of that individual, any information specified in paragraph (1) before the expiration of the 2-year period specified in paragraph (1).

[''(3) REQUIREMENTS FOR NOTIFICATION.—Each notification made under paragraph (1) shall include information concerning estate planning and land consolidation options under the provisions of this Act and other applicable Federal law, including information concerning—

[''(A) the preparation and execution of wills;

[''(B) negotiated sales;

[''(C) gift deeds;

[''(D) exchanges; and

[''(E) life estates without regard to waste.

[''(4) PROHIBITION.—No individual Indian may be denied access to information relating to land in which that individual has an interest described in this section on the basis of section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act').

[''(l) PRIVATE AND FAMILY TRUSTS PILOT PROJECT.—

[''(1) DEVELOPMENT PILOT PROJECT.—

[''(A) The Secretary shall consult with tribes, individual landowner organizations, Indian advocacy organizations, and other interested parties to—

[''(i) develop a pilot project for the creation and management of private and family trusts for interests in trust or restricted lands; and

[''(ii) develop proposed rules, regulations, and guidelines to implement the pilot project.

[''(B) The pilot project shall commence on the date of enactment of the American Indian Probate Reform Act of 2003 and shall continue for 3 years after the date of enactment of this subsection.

[''(2) CHARACTERISTICS OF PRIVATE AND FAMILY TRUSTS.—For purposes of this subsection and any proposed rules, regulations, or guidelines developed under this subsection—

[''(A) the terms 'private trust' and 'family trust' shall both mean trusts created pursuant to this subsection for the management and administration of interests in trust or restricted land, held by 1 or more persons, which comprise the corpus of a trust, by a private trustee subject to the approval of the Secretary;

[''(B) private and family trusts shall be created and managed in furtherance of the purposes of the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.); and

[''(C) private and family trusts shall not be construed to impair, impede, replace, abrogate, or modify in any respect the trust duties or responsibilities of the Secretary, nor shall anything in this subsection or in any rules, regulations, or guidelines developed under this subsection enable any private or family trustee of interests in trust or restricted lands to exercise any powers over such interests greater than that held by the Secretary with respect to such interests.

[''(3) REPORT TO CONGRESS.—Prior to the expiration of the pilot project provided for under this subsection, the Secretary shall submit a report to Congress stating—

[''(A) a description of the Secretary's consultation with Indian tribes, individual landowner associations, Indian advocacy organizations, and other parties consulted with regarding the development of rules, regulations, and/or guidelines for the creation and management of private and family trusts over interests in trust and restricted lands;

[''(B) the feasibility of accurately tracking such private and family trusts;

[''(C) the impact that private and family trusts would have with respect to the accomplishment of the goals of the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.); and

[''(D) a final recommendation regarding whether to adopt the creation of a permanent private and family trust program as a management and consolidation measure for interests in trust or restricted lands.''.

[SEC. 7. UNCLAIMED AND ABANDONED PROPERTY.

[The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (as amended by section 5) is amended by adding at the end the following:

[''SEC. 222. UNCLAIMED AND ABANDONED PROPERTY.

[''(a) INTERESTS PRESUMED ABANDONED.—An undivided trust or restricted interest in a parcel of land owned by a person shall be presumed abandoned and subject to the provisions of this section if the Secretary makes a determination that—

[''(1) a period of 6 consecutive years next preceding such determination has passed during which the person owning such interest has not made any indication or expression of interest in the trust or restricted interest as set forth in subsection (b);

[''(2) the person owning the trust or restricted interest was, at all times during the 6-year period described in paragraph (1), over the age of 18; and

[''(3) as of the expiration of the 6-year period described in paragraph (1), such parcel was a parcel of highly fractionated Indian land.

[''(b) INDICATORS OF OWNER INTEREST.—For purposes of subsection (a), an indication or expression of an owner's interest in the property shall mean the owner or any person acting on behalf of the owner—

[''(1) making a deposit to, withdrawal from, or inquiry into an individual Indian money account associated with such interest;

[''(2) negotiating a Treasury check derived from such interest or account;

[''(3) providing the Secretary with a valid address; or

[''(4) communicating with the Secretary regarding such interest or account.

[''(c) RELATED PROPERTY.—At the time that property is presumed to be abandoned under this section, any other property right accrued or accruing to the owner as a result of the interest, including funds in an associated individual Indian money account, that has not previously been presumed abandoned under this section, also shall be presumed abandoned.

[''(d) ANNUAL LIST OF PROPERTY; NOTICE TO OWNERS.—No later than the first day of November of each year, the Secretary shall prepare and distribute a list of names of persons owning property presumed abandoned under this section during the preceding fiscal year and provide notice to such persons in accordance with the following requirements:

[''(1) CONTENTS OF ANNUAL LIST.—The list shall set forth—

[''(A) the names of all persons owning interests in land and property presumed to be abandoned under this section;

[''(B) with respect to each person named on the list, the reservation, if any, and the county and State in which the person's interest in land is located;

[''(C) the reservation, if any, the city or town, county and State of the person's last known address; and

[''(D) the name, address, and telephone number of the official or officials within the Department of the Interior to contact for purposes of identifying persons or lands included on the list.

[''(2) DISTRIBUTION OF LIST.—The list shall be distributed to all regional offices and agencies of the Bureau of Indian Affairs and to all reservations where land described on this list is located and shall cause the list to be published in the Federal Register within 15 days after the list is prepared.

[''(3) NOTICE BY MAIL.—In addition to publishing and distributing the list described in paragraph (1), the Secretary shall attempt to provide the persons owning such trust or restricted interests with actual written notice that the interest and any associated funds or property is presumed abandoned under the provisions of this section. Such notice shall be sent by first class mail to the owner at the owner's last known address and shall include the following:

[''(A) A legal description of the parcel of which the interest is a part.

[''(B) A description of the owner's interest.

[''(C) A statement that the owner has not indicated or expressed an interest in the trust or restricted interest for a period of 6 consecutive years and that such interest, and any funds in an associated individual Indian money account, is presumed abandoned.

[''(D) A statement that the interest will be appraised and sold for its appraised value unless the owner responds to the notice within 60 days after the notice is mailed or published.

[''(E) A statement that in the event the owner fails to respond and the notice and the property is sold, the proceeds of such sale and any funds in any associated individual Indian money account will be deposited in an unclaimed property account.

[''(4) SEARCH FOR WHEREABOUTS OF OWNER.—If the notice described in paragraph (3) is returned undelivered, the Secretary shall attempt to locate the owner by—

[''(A) searching publicly available records and Federal records, including telephone and address directories and using electronic search methods;

[''(B) inquiring with—

[''(i) the owner's relatives, if any are known;

[''(ii) any Indian tribe of which the owner is a member; and

[''(iii) the Indian tribe, if any, with jurisdiction over the interest; and

[''(C) if the value of the interest and any funds in an associated individual Indian money account exceeds $1,000, engaging an independent search firm to perform a missing person search.

[''(5) NOTICE BY PUBLICATION.—In the event that the Secretary is unable to locate the owner pursuant to paragraph (4), the Secretary shall publish a notice not later than November 30 following the fiscal year in which the property was presumed to be abandoned under this section. The notice shall include the same information required for the notice described in paragraph (3) and shall be—

[''(A) published in a newspaper of general circulation on or near the apparent owner's home reservation and near the last known address of the owner; and

[''(B) in a form that is likely to attract the attention of the apparent owner of the property.

[''(e) CONVERSION OF ABANDONED INTERESTS.—If, after 2 years from the date the notice is published under subsection (d)(3), any such real property or interest therein remains unclaimed, the Secretary shall appraise such property in a manner consistent with section 215 of the Indian Land Consolidation Act (25 U.S.C. 2214) and shall purchase the property at its appraised value, or sell the property to an Indian tribe with jurisdiction over such property or a person who owns an undivided trust or restricted interest in such property, by competitive bid for not less than the appraised value. The Secretary shall then transfer any monetary interest that the Secretary holds for the previous apparent owner to the unclaimed property account described in subsection (f).

[''(f) UNCLAIMED PROPERTY ACCOUNT.—

[''(1) Except as otherwise provided by this section, the Secretary shall promptly deposit in a special unclaimed property account all funds received under this section. The Secretary shall pay all claims under subsection (g) from this account. The Secretary shall record the name and last known address of each person appearing to be entitled to the property.

[''(2) The Secretary is authorized to use interest earned on the special unclaimed property account to pay—

[''(A) the administrative costs of conversion of real property under subsection (g); and

[''(B) costs of mailing and publication in connection with abandoned property.

[''(3) The Secretary shall retain a sufficient balance in the account at all times from which to pay claims duly allowed. All other funds shall be available to the Secretary to use for the purposes of land consolidation pursuant to 25 U.S.C. 2212.

[''(g) CLAIMS.—

[''(1) FILING OF CLAIM.—An individual, or the heirs of an individual, may file a claim to recover property or the proceeds of the conversion of the property on a form prescribed by the Secretary.

[''(2) ALLOWANCE OR DENIAL OF CLAIM.—Not more than 180 days after a claim is filed, the Secretary shall allow or deny the claim and give written notice of the decision to the claimant. If the claim is denied, the Secretary shall inform the claimant of the reasons for the denial and specify what additional evidence is required before the claim will be allowed. The claimant may then file a new claim with the Secretary or maintain an action under this subsection.

[''(3) PAYMENT OF ALLOWED CLAIM.—Not more than 60 days after a claim is allowed, the property or the net proceeds of the conversion of the property shall be delivered or paid by the Secretary to the claimant, together with any interest, or other increment to which the claimant is entitled under this section.

[''(4) JUDICIAL REVIEW.—An individual aggrieved by a decision of the Secretary under this subsection or whose claim has not been acted upon within 180 days may, after exhausting administrative remedies, seek—

[''(A) judicial review or other appropriate relief against the Secretary in a United States district court, which may include an order quieting beneficial title in the name of petitioner whose property was sold by the Secretary in violation of this section; and

[''(B) recover reasonable attorneys fees if he is the prevailing party.

[''(h) VOLUNTARY ABANDONMENT.—Any person who is an owner of an interest subject to this section may, with the Secretary's approval, voluntarily abandon that interest to the benefit of the tribe with jurisdiction over the parcel of land or a co-owner of a trust or restricted interest in the same parcel of land in accordance with regulations adopted pursuant to subsection (j).

[''(i) TRANSFER OF ABANDONED INTERESTS IN LAND.—

[''(1) Any interest in land acquired under subsection (e) or (h) over which an Indian tribe has jurisdiction shall be held in trust by the Secretary for the benefit of that tribe, provided that the tribe may decline any such property in its discretion, and provided that if the tribe declines or does not currently own any interest within that parcel a co-owner with a majority interest shall have the first right of purchase of the property at the appraised price.

[''(2) Any interest in real property acquired under subsection (e) or (h) that is not subject to the jurisdiction of an Indian tribe shall be held in trust by the Secretary for all of the other co-owners of undivided trust or restricted interests in the parcel in proportion to their respective interests in the property, provided that any owner may decline to accept such interest, in which case that interest shall be allocated proportionately among such other co-owners who do not decline.

[''(3) The Indian tribe or other subsequent owner described in paragraph (2) takes such interest free of all claims by the owner who abandoned the interest and of all persons claiming through or under such owner.

[''(j) REGULATIONS.—The Secretary is authorized to adopt such regulations as may be necessary to implement the provisions of this section.''.

[SEC. 8. MISSING HEIRS.

[Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by adding the following:

[''(m) NOTICE.—Prior to holding a hearing to determine the heirs to trust or restricted property, or making a decision determining such heirs, the Secretary shall seek to provide actual written notice of the proceedings to all heirs, including notice of the provisions of this subsection and of section 207(n) of this Act. Such efforts shall include—

[''(1) a search of publicly available records and Federal records, including telephone and address directories and including electronic search methods;

[''(2) an inquiry with family members and co-heirs of the property;

[''(3) an inquiry with the tribal government of which the owner is a member, and the tribal government with jurisdiction over the property, if any; and

[''(4) if the property is of a value greater than $1,000, an independent firm shall be contracted to conduct a missing persons search.

[''(n) MISSING HEIRS.—

[''(1) For purposes of this subsection and subsection (m), an heir will be presumed missing if his whereabouts remain unknown 60 days after completion of notice efforts under subsection (m) and they have had no contact with other heirs or the Department for 6 years prior to a hearing or decision to ascertain heirs.

[''(2) Before the date for declaring an heir missing, any person may request an extension of time to locate an heir. An extension may be granted for good cause.

[''(3) An heir shall be declared missing only after a review of the efforts made and a finding that this section has been complied with.

[''(4) A missing heir shall be presumed to have predeceased the decedent for purposes of descent and devise.''.

[SEC. 9. ANNUAL NOTICE AND FILING REQUIREMENT FOR OWNERS OF INTERESTS IN TRUST OR RESTRICTED LANDS.

[The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (as amended by section 7) is amended by adding at the end the following:

[''SEC. 222. ANNUAL NOTICE AND FILING; CURRENT WHEREABOUTS OF INTEREST OWNERS.

[''(a) IN GENERAL.—On an annual basis, the Secretary shall send a notice, response form, and a change of name and address form to each owner of an interest in trust or restricted land. The notice shall inform owners of their interest and obligation to provide the Secretary with a notice of any change in their name or address immediately upon such change. The response form should include a section in which the owner may confirm or update his name and address. The change of name and address form may be used by the owner at any time when his name or address changes subsequent to his annual filing of the response form.

[''(b) OWNER RESPONSE.—The owner of an interest in trust or restricted land shall file the response form upon receipt to confirm or update his name and address on an annual basis.

[''(c) NO RESPONSE; INITIATION OF SEARCH.—In the event that an owner does not file the response form or provide the Secretary with a confirmation or update of his name and address through other means, the Secretary shall initiate a search in order to ascertain the whereabouts and status of the owner.''.

[SEC. 10. EFFECTIVE DATE.

[The amendments made by this Act shall not apply to the estate of an individual who dies before the later of—

[(1) the date that is 1 year after the date of enactment of this Act; or

[(2) the date specified in section 207(g)(5) of the Indian Land Consolidation Act (25 U.S.C. 2206(g)(5)).]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Indian Probate Reform Act of 2004''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Act of February 8, 1887 (commonly known as the ''Indian General Allotment Act'') (25 U.S.C. 331 et seq.), which authorized the allotment of Indian reservations, did not permit Indian allotment owners to provide for the testamentary disposition of the land that was allotted to them;

(2) that Act provided that allotments would descend according to State law of intestate succession based on the location of the allotment;

(3) the reliance of the Federal Government on the State law of intestate succession with respect to the descent of allotments has resulted in numerous problems affecting Indian tribes, members of Indian tribes, and the Federal Government, including—

(A) the increasingly fractionated ownership of trust and restricted land as that land is inherited by successive generations of owners as tenants in common;

(B) the application of different rules of intestate succession to each interest of a decedent in or to trust or restricted land if that land is located within the boundaries of more than 1 State, which application—

(i) makes probate planning unnecessarily difficult; and

(ii) impedes efforts to provide probate planning assistance or advice;

(C) the absence of a uniform general probate code for trust and restricted land, which makes it difficult for Indian tribes to work cooperatively to develop tribal probate codes; and

(D) the failure of Federal law to address or provide for many of the essential elements of general probate law, either directly or by reference, which—

(i) is unfair to the owners of trust and restricted land (and heirs and devisees of owners); and

(ii) makes probate planning more difficult;

(4) a uniform Federal probate code would likely—

(A) reduce the number of fractionated interests in trust or restricted land;

(B) facilitate efforts to provide probate planning assistance and advice and create incentives for owners of trust and restricted land to engage in estate planning;

(C) facilitate intertribal efforts to produce tribal probate codes in accordance with section 206 of the Indian Land Consolidation Act (25 U.S.C. 2205); and

(D) provide essential elements of general probate law that are not applicable on the date of enactment of this Act to interests in trust or restricted land; and

(5) the provisions of a uniform Federal probate code and other forth in this Act should operate to further the policy of the United States as stated in the Indian Land Consolidated Act Amendments of 2000, Public Law 106–462, 102, November 7, 2000, 114 Stat. 1992.

SEC. 3. INDIAN PROBATE REFORM.

(a) NONTESTAMENTARY DISPOSITION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking subsection (a) and inserting the following:

''(a) NONTESTAMENTARY DISPOSITION.—

''(1) RULES OF DESCENT.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted property, any trust or restricted interest in land or interest in trust personalty that is not disposed of by a valid will—

''(A) shall descend according to an applicable tribal probate code approved in accordance with section 206; or

''(B) in the case of a trust or restricted interest in land or interest in trust personalty to which a tribal probate code does not apply, shall descend in accordance with—

''(i) paragraphs (2) through (5); and

''(ii) other applicable Federal law.

''(2) RULES GOVERNING DESCENT OF ESTATE.—

''(A) SURVIVING SPOUSE.—If there is a surviving spouse of the decedent, such spouse shall receive trust and restricted land and trust personalty in the estate as follows:

''(i) If the decedent is survived by 1 or more eligible heirs described in subparagraph (B) (i), (ii), (iii), or (iv), the surviving spouse shall receive ½ of the trust personalty of the decedent and a life estate without regard to waste in the interests in trust or restricted lands of the decedent.

''(ii) If there are no eligible heirs described in subparagraph (B) (i), (ii), (iii), or (iv), the surviving spouse shall receive all of the trust personalty of the decedent and a life estate without regard to waste in the trust or restricted lands of the decedent.

''(iii) The remainder shall pass as set forth in subparagraph (B).

''(iv) Trust personalty passing to a surviving spouse under the provisions of this subparagraph shall be maintained by the Secretary in an account as trust personalty, but only if such spouse is Indian.

''(B) INDIVIDUAL AND TRIBAL HEIRS.—Where there is no surviving spouse of the decedent, or there is a remainder interest pursuant to subparagraph (A), the trust or restricted estate or such remainder shall, subject to subparagraphs (A) and (D), pass as follows:

''(i) To those of the decedent's children who are eligible heirs (or if 1 or more of such children do not survive the decedent, the children of any such deceased child who are eligible heirs, by right of representation, but only if such children of the deceased child survive the decedent) in equal shares.

''(ii) If the property does not pass under clause (i), to those of the decedent's surviving great-grandchildren who are eligible heirs, in equal shares.

''(iii) If the property does not pass under clause (i) or (ii), to the decedent's surviving parent who is an eligible heir, and if both parents survive the decedent and are both eligible heirs, to both parents in equal shares.

''(iv) If the property does not pass under clause (i), (ii), or (iii), to those of the decedent's surviving siblings who are eligible heirs, in equal shares.

''(v) If the property does not pass under clause (i), (ii), (iii), or (iv), to the Indian tribe with jurisdiction over the interests in trust or restricted lands;

except that notwithstanding clause (v), an Indian co-owner (including the Indian tribe referred to in clause (v)) of a parcel of trust or restricted land may acquire an interest that would otherwise descend under that clause by paying

into the estate of the decedent, before the close of the probate of the estate, the fair market value of the interest in the land; if more than 1 Indian co-owner offers to pay for such interest, the highest bidder shall acquire the interest.

''(C) NO INDIAN TRIBE.—

''(i) IN GENERAL.—If there is no Indian tribe with jurisdiction over the interests in trust or restricted lands that would otherwise descend under subparagraph (B)(v), then such interests shall be divided equally among co-owners of trust or restricted interests in the parcel; if there are no such co-owners, then to the United States, provided that any such interests in land passing to the United States under this subparagraph shall be sold by the Secretary and the proceeds from such sale deposited into the land acquisition fund established under section 216 (25 U.S.C. 2215) and used for the purposes described in subsection (b) of that section.

''(ii) CONTIGUOUS PARCEL.—If the interests passing to the United States under this subparagraph are in a parcel of land that is contiguous to another parcel of trust or restricted land, the Secretary shall give the owner or owners of the trust or restricted interest in the contiguous parcel the first opportunity to purchase the interest at not less than fair market value determined in accordance with this Act. If more than 1 such owner in the contiguous parcel request to purchase the parcel, the Secretary shall sell the parcel by public auction or sealed bid (as determined by the Secretary) at not less than fair market value to the owner of a trust or restricted interest in the contiguous parcel submitting the highest bid.

''(D) INTESTATE DESCENT OF SMALL FRACTIONAL INTERESTS IN LAND.—

''(i) GENERAL RULE.—Notwithstanding subparagraphs (A) and (B), and subject to any applicable Federal law, any trust or restricted interest in land in the decedent's estate that is not disposed of by a valid will and represents less than 5 percent of the entire undivided ownership of the parcel of land of which such interest is a part, as evidenced by the decedent's estate inventory at the time of the heirship determination, shall descend in accordance with clauses (ii) through (iv).

''(ii) SURVIVING SPOUSE.—If there is a surviving spouse, and such spouse was residing on a parcel of land described in clause (i) at the time of the decedent's death, the spouse shall receive a life estate without regard to waste in the decedent's trust or restricted interest in only such parcel, and the remainder interest in that parcel shall pass in accordance with clause (iii).

''(iii) SINGLE HEIR RULE.—Where there is no life estate created under clause (ii) or there is a remainder interest under that clause, the trust or restricted interest or remainder interest that is subject to this subparagraph shall descend, in trust or restricted status, to—

''(I) the decedent's surviving child, but only if such child is an eligible heir; and if 2 or more surviving children are eligible heirs, then to the oldest of such children;

''(II) if the interest does not pass under subclause (I), the decedent's surviving grandchild, but only if such grandchild is an eligible heir; and if 2 or more surviving grandchildren are eligible heirs, then to the oldest of such grandchildren;

''(III) if the interest does not pass under subclause (I) or (II), the decedent's surviving great grandchild, but only if such great grandchild is an eligible heir; and if 2 or more surviving great grandchildren are eligible heirs, then to the oldest of such great grandchildren;

''(IV) if the interest does not pass under subclause (I), (II), or (III), the Indian tribe with jurisdiction over the interest; or

''(V) if the interest does not pass under subclause (I), (II), or (III), and there is no such Indian tribe to inherit the property under subclause (IV), the interest shall be divided equally among co-owners of trust or restricted interests in the parcel; and if there are no such co-owners, then to the United States, to be sold, and the proceeds from sale used, in the same manner provided in subparagraph (C).

The determination of which person is the oldest eligible heir for inheritance purposes under this clause shall be made by the Secretary in the decedent's probate proceeding and shall be consistent with the provisions of this Act.

''(iv) EXCEPTIONS.—Notwithstanding clause (iii)—

''(I)(aa) the heir of an interest under clause (iii), unless the heir is a minor or incompetent person, may agree in writing entered into the record of the decedent's probate proceeding to renounce such interest, in trust or restricted status, in favor of—

''(AA) any other eligible heir or Indian person related to the heir by blood, but in any case never in favor of more than 1 such heir or person;

''(BB) any co-owner of another trust or restricted interest in such parcel of land; or

''(CC) the Indian tribe with jurisdiction over the interest, if any; and

''(bb) the Secretary shall give effect to such agreement in the distribution of the interest in the probate proceeding; and

''(II) the governing body of the Indian tribe with jurisdiction over an interest in trust or restricted land that is subject to the provisions of this subparagraph may adopt a rule of intestate descent applicable to such interest that differs from the order of decedent set forth in clause (iii). The Secretary shall apply such rule to the interest in distributing the decedent's estate, but only if—

''(aa) a copy of the tribal rule is delivered to the official designated by the Secretary to receive copies of tribal rules for the purposes of this clause;

''(bb) the tribal rule provides for the intestate inheritance of such interest by no more than 1 heir, so that the interest does not further fractionate;

''(cc) the tribal rule does not apply to any interest disposed of by a valid will;

''(dd) the decedent died on or after the date described in subsection (b) of section 8 of the American Indian Probate Act of 2004, or on or after the date on which a copy of the tribal rule was delivered to the Secretary pursuant to item (aa), whichever is later; and

''(ee) the Secretary does not make a determination within 90 days after a copy of the tribal rule is delivered pursuant to item (aa) that the rule would be unreasonably difficult to administer or does not conform with the requirements in item (bb) or (cc).

''(v) RULE OF CONSTRUCTION.—This subparagraph shall not be construed to limit a person's right to devise any trust or restricted interest by way of a valid will in accordance with subsection (b).

''(3) RIGHT OF REPRESENTATION.—If, under this subsection, all or any part of the estate of a decedent is to pass to children of a deceased child by right of representation, that part is to be divided into as many equal shares as there are living children of the decedent and pre-deceased children who left issue who survive the decedent. Each living child of the decedent, if any, shall receive 1 share, and the share of each pre-deceased child shall be divided equally among the pre-deceased child's children.

''(4) SPECIAL RULE RELATING TO SURVIVAL.—In the case of intestate succession under this subsection, if an individual fails to survive the decedent by at least 120 hours, as established by clear and convincing evidence—

''(A) the individual shall be deemed to have predeceased the decedent for the purpose of intestate succession; and

''(B) the heirs of the decedent shall be determined in accordance with this section.

''(5) STATUS OF INHERITED INTERESTS.—Except as provided in paragraphs (2) (A) and (D) regarding the life estate of a surviving spouse, a trust or restricted interest in land or trust personalty that descends under the provisions of this subsection shall vest in the heir in the same trust or restricted status as such interest was held immediately prior to the decedent's death.''.

(b) TESTAMENTARY DISPOSITION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking subsection (b) and inserting the following:

''(b) TESTAMENTARY DISPOSITION.—

''(1) GENERAL DEVISE OF AN INTEREST IN TRUST OR RESTRICTED LAND.—

''(A) IN GENERAL.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted land, or a tribal probate code approved by the Secretary in accordance with section 206, the owner of a trust or restricted interest in land may devise such interest to—

''(i) any lineal descendant of the testator;

''(ii) any person who owns a preexisting undivided trust or restricted interest in the same parcel of land;

''(iii) the Indian tribe with jurisdiction over the interest in land; or

''(iv) any Indian;

in trust or restricted status.

''(B) RULES OF INTERPRETATION.—Any devise of a trust or restricted interest in land pursuant to subparagraph (A) to an Indian or the Indian tribe with jurisdiction over the interest shall be deemed to be a devise of the interest in trust or restricted status. Any devise of a trust or restricted interest in land to a person who is only eligible to be a devisee under clause (i) or (ii) of subparagraph (A) shall be presumed to be a devise of the interest in trust or restricted status unless language in such devise clearly evidences an intent on the part of the testator that the interest is to pass as a life estate or fee interest in accordance with paragraph (2)(A).

''(2) DEVISE OF TRUST OR RESTRICTED LAND AS A LIFE ESTATE OR IN FEE.—

''(A) IN GENERAL.—Except as provided under any applicable Federal law, any trust or restricted interest in land that is not devised in accordance with paragraph (1)(A) may be devised only—

''(i) as a life estate to any person, with the remainder being devised only in accordance with subparagraph (B) or paragraph (1); or

''(ii) except as provided in subparagraph (B), as a fee interest without Federal restrictions against alienation to any person who is not eligible to be a devisee under clause (iv) of paragraph (1)(A).

''(B) INDIAN REORGANIZATION ACT LANDS.—Any interest in trust or restricted land that is subject to section 4 of the Act of June 18, 1934 (25 U.S.C. 464), may be devised only in accordance with—

''(i) that section;

''(ii) subparagraph (A)(i); or

''(iii) paragraph (1)(A);

provided that nothing in this section or in section 4 of the Act of June 18, 1934 (25 U.S.C. 464), shall be construed to authorize the devise of any interest in trust or restricted land that is subject to section 4 of that Act to any person as a fee interest under subparagraph (A)(ii).

''(3) GENERAL DEVISE OF AN INTEREST IN TRUST PERSONALTY.—

''(A) TRUST PERSONALITY DEFINED.—The term 'trust personalty' as used in this section includes all funds and securities of any kind which are held in trust in an individual Indian money account or otherwise supervised by the Secretary.

''(B) IN GENERAL.—Subject to any applicable Federal law relating to the devise or descent of such trust personalty, or a tribal probate code approved by the Secretary in accordance with section 206, the owner of an interest in trust personalty may devise such an interest to any person or entity.

''(C) MAINTENANCE AS TRUST PERSONALTY.—In the case of a devise of an interest in trust personalty to a person or Indian tribe eligible to be

a devisee under paragraph (1)(A), the Secretary shall maintain and continue to manage such interests as trust personalty.

''(D) DIRECT DISBURSEMENT AND DISTRIBUTION.—In the case of a devise of an interest in trust personalty to a person or Indian tribe not eligible to be a devisee under paragraph (1)(A), the Secretary shall directly disburse and distribute such personalty to the devisee.

''(4) INVALID DEVISES AND WILLS.—

''(A) LAND.—Any trust or restricted interest in land that is not devised in accordance with paragraph (1) or (2) or that is not disposed of by a valid will shall descend in accordance with the applicable law of intestate succession as provided for in subsection (a).

''(B) PERSONALTY.—Any trust personalty that is not disposed of by a valid will shall descend in accordance with the applicable law of intestate succession as provided for in subsection (a).''.

(c) JOINT TENANCY; RIGHT OF SURVIVORSHIP.—Section 207(c) of the Indian Land Consolidation Act (25 U.S.C. 2206(c)) is amended by striking all that follows the heading, ''Joint Tenancy; Right of Survivorship'', and inserting the following:

''(1) PRESUMPTION OF JOINT TENANCY.—If a testator devises trust or restricted interests in the same parcel of land to more than 1 person, in the absence of clear and express language in the devise stating that the interest is to pass to the devisees as tenants in common, the devise shall be presumed to create a joint tenancy with the right of survivorship in the interests involved.

''(2) EXCEPTION.—Paragraph (1) shall not apply to any devise of an interest in trust or restricted land where the will in which such devise is made was executed prior to the date that is 1 year after the date on which the Secretary publishes the certification required by section 8(a)(4) of the American Indian Probate Reform Act of 2004.''.

(d) RULE OF CONSTRUCTION.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by adding at the end the following:

''(h) APPLICABLE FEDERAL LAW.—

''(1) IN GENERAL.—Any references in subsections (a) and (b) to applicable Federal law include—

''(A) Public Law 91–627 (84 Stat. 1874);

''(B) Public Law 92–377 (86 Stat. 530);

''(C) Public Law 92–443 (86 Stat. 744);

''(D) Public Law 96–274 (94 Stat. 537); and

''(E) Public Law 98–513 (98 Stat. 2411).

''(2) NO EFFECT ON LAWS.—Nothing in this Act amends or otherwise affects the application of any law described in paragraph (1), or any other Federal law that pertains to—

''(A) trust or restricted land located on 1 or more specific Indian reservations that are expressly identified in such law; or

''(B) the allotted lands of 1 or more specific Indian tribes that are expressly identified in such law.

''(i) RULES OF INTERPRETATION.—In the absence of a contrary intent, and except as otherwise provided under this Act, applicable Federal law, or a tribal probate code approved by the Secretary pursuant to section 206, wills shall be construed as to trust and restricted land and trust personalty in accordance with the following rules:

''(1) CONSTRUCTION THAT WILL PASSES ALL PROPERTY.—A will shall be construed to apply to all trust and restricted land and trust personalty which the testator owned at his death, including any such land or personalty acquired after the execution of his will.

''(2) CLASS GIFTS.—

''(A) NO DIFFERENTIATION BETWEEN RELATIONSHIP BY BLOOD AND RELATIONSHIP BY AFFINITY.—Terms of relationship that do not differentiate relationships by blood from those by affinity, such as 'uncles', 'aunts', 'nieces', or 'nephews', are construed to exclude relatives by affinity. Terms of relationship that do not differentiate relationships by the half blood from those by the whole blood, such as 'brothers', 'sisters', 'nieces', or 'nephews', are construed to include both types of relationships.

''(B) MEANING OF 'HEIRS' AND 'NEXT OF KIN', ETC.; TIME OF ASCERTAINING CLASS.—A devise of trust or restricted interest in land or an interest in trust personalty to the testator's or another designated person's 'heirs', 'next of kin', 'relatives', or 'family' shall mean those persons, including the spouse, who would be entitled to take under the provisions of this Act for nontestamentary disposition. The class is to be ascertained as of the date of the testator's death.

''(C) TIME FOR ASCERTAINING CLASS.—In construing a devise to a class other than a class described in subparagraph (B), the class shall be ascertained as of the time the devise is to take effect in enjoyment. The surviving issue of any member of the class who is then dead shall take by right of representation the share which their deceased ancestor would have taken.

''(3) MEANING OF 'DIE WITHOUT ISSUE' AND SIMILAR PHRASES.—In any devise under this chapter, the words 'die without issue', 'die without leaving issue', 'have no issue', or words of a similar import shall be construed to mean that an individual had no lineal descendants in his lifetime or at his death, and not that there will be no lineal descendants at some future time.

''(4) PERSONS BORN OUT OF WEDLOCK.—In construing provisions of this chapter relating to lapsed and void devises, and in construing a devise to a person or persons described by relationship to the testator or to another, a person born out of wedlock shall be considered the child of the natural mother and also of the natural father.

''(5) LAPSED DEVISES.—Subject to the provisions of subsection (b), where the testator devises or bequeaths a trust or restricted interest in land or trust personalty to the testator's grandparents or to the lineal descendent of a grandparent, and the devisee or legatee dies before the testator leaving lineal descendents, such descendents shall take the interest so devised or bequeathed per stirpes.

''(6) VOID DEVISES.—Except as provided in paragraph (5), and if the disposition shall not be otherwise expressly provided for by a tribal probate code approved under section 206 (25 U.S.C. 2205), if a devise other than a residuary devise of a trust or restricted interest in land or trust personalty fails for any reason, such interest shall become part of the residue and pass, subject to the provisions of subsection (b), to the other residuary devisees, if any, in proportion to their respective shares or interests in the residue.

''(7) FAMILY CEMETERY PLOT.—If a family cemetery plot owned by the testator at his decease is not mentioned in the decedent's will, the ownership of the plot shall descend to his heirs as if he had died intestate.

''(j) HEIRSHIP BY KILLING.—

''(1) HEIR BY KILLING DEFINED.—As used in this subsection, 'heir by killing' means any person who knowingly participates, either as a principal or as an accessory before the fact, in the willful and unlawful killing of the decedent.

''(2) NO ACQUISITION OF PROPERTY BY KILLING.—Subject to any applicable Federal law relating to the devise or descent of trust or restricted land, no heir by killing shall in any way acquire any trust or restricted interests in land or interests in trust personalty as the result of the death of the decedent, but such property shall pass in accordance with this subsection.

''(3) DESCENT, DISTRIBUTION, AND RIGHT OF SURVIVORSHIP.—The heir by killing shall be deemed to have predeceased the decedent as to decedent's trust or restricted interests in land or trust personalty which would have passed from the decedent or his estate to such heir—

''(A) under intestate succession under this section;

''(B) under a tribal probate code, unless otherwise provided for;

''(C) as the surviving spouse;

''(D) by devise;

''(E) as a reversion or a vested remainder;

''(F) as a survivorship interest; and

''(G) as a contingent remainder or executory or other future interest.

''(4) JOINT TENANTS, JOINT OWNERS, AND JOINT OBLIGEES.—

''(A) Any trust or restricted land or trust personalty held by only the heir by killing and the decedent as joint tenants, joint owners, or joint obligees shall pass upon the death of the decedent to his or her estate, as if the heir by killing had predeceased the decedent.

''(B) As to trust or restricted land or trust personalty held jointly by 3 or more persons, including both the heir by killing and the decedent, any income which would have accrued to the heir by killing as a result of the death of the decedent shall pass to the estate of the decedent as if the heir by killing had predeceased the decedent and any surviving joint tenants.

''(C) Notwithstanding any other provision of this subsection, the decedent's trust or restricted interest land or trust personalty that is held in a joint tenancy with the right of survivorship shall be severed from the joint tenancy as though the property held in the joint tenancy were to be severed and distributed equally among the joint tenants and the decedent's interest shall pass to his estate; the remainder of the interests shall remain in joint tenancy with right of survivorship among the surviving joint tenants.

''(5) LIFE ESTATE FOR THE LIFE OF ANOTHER.—If the estate is held by a third person whose possession expires upon the death of the decedent, it shall remain in such person's hands for the period of time following the decedent's death equal to the life expectancy of the decedent but for the killing.

''(6) PREADJUDICATION RULE.—

''(A) IN GENERAL.—If a person has been charged, whether by indictment, information, or otherwise by the United States, a tribe, or any State, with voluntary manslaughter or homicide in connection with a decedent's death, then any and all trust or restricted land or trust personalty that would otherwise pass to that person from the decedent's estate shall not pass or be distributed by the Secretary until the charges have been resolved in accordance with the provisions of this paragraph.

''(B) DISMISSAL OR WITHDRAWAL.—Upon dismissal or withdrawal of the charge, or upon a verdict of not guilty, such land and personalty shall pass as if no charge had been filed or made.

''(C) CONVICTION.—Upon conviction of such person, and the exhaustion of all appeals, if any, the trust and restricted land and trust personalty in the estate shall pass in accordance with this subsection.

''(7) BROAD CONSTRUCTION; POLICY OF SUBSECTION.—This subsection shall not be considered penal in nature, but shall be construed broadly in order to effect the policy that no person shall be allowed to profit by his own wrong, wherever committed.

''(k) GENERAL RULES GOVERNING PROBATE.—

''(1) SCOPE.—Except as provided under applicable Federal law or a tribal probate code approved under section 206, the provisions of this subsection shall govern the probate of estates containing trust and restricted interests in land or trust personalty.

''(2) PRETERMITTED SPOUSES AND CHILDREN.—

''(A) SPOUSES.—

''(i) IN GENERAL.—Except as provided in clause (ii), if the surviving spouse of a testator married the testator after the testator executed the will of the testator, the surviving spouse shall receive the intestate share in the decedent's trust or restricted land and trust personalty that the spouse would have received if the testator had died intestate.

''(ii) EXCEPTION.—Clause (i) shall not apply to a trust or restricted interest land where—

''(I) the will of a testator is executed before the date of enactment of this subparagraph;

''(II)(aa) the spouse of a testator is a non-Indian; and

''(bb) the testator devised the interests in trust or restricted land of the testator to 1 or more Indians;

''(III) it appears, based on an examination of the will or other evidence, that the will was made in contemplation of the marriage of the testator to the surviving spouse;

''(IV) the will expresses the intention that the will is to be effective notwithstanding any subsequent marriage; or

''(V)(aa) the testator provided for the spouse by a transfer of funds or property outside the will; and

''(bb) an intent that the transfer be in lieu of a testamentary provision is demonstrated by statements of the testator or through a reasonable inference based on the amount of the transfer or other evidence.

''(iii) SPOUSES MARRIED AT THE TIME OF THE WILL.—Should the surviving spouse of the testator be omitted from the will of the testator, the surviving spouse shall be treated, for purposes of trust or restricted land or trust personalty in the testator's estate, in accordance with the provisions of section 207(a)(2)(A), as though there was no will but only if—

''(I) the testator and surviving spouse were continuously married without legal separation for the 5-year period preceding the decedent's death;

''(II) the testator and surviving spouse have a surviving child who is the child of the testator;

''(III) the surviving spouse has made substantial payments toward the purchase of, or improvements to, the trust or restricted land in such estate; or

''(IV) the surviving spouse is under a binding obligation to continue making loan payments for the trust or restricted land for a substantial period of time;

except that, if there is evidence that the testator adequately provided for the surviving spouse and any minor children by a transfer of funds or property outside of the will, this clause shall not apply.

''(B) CHILDREN.—

''(i) IN GENERAL.—If a testator executed the will of the testator before the birth or adoption of 1 or more children of the testator, and the omission of the children from the will is a product of inadvertence rather than an intentional omission, the children shall share in the trust or restricted interests in land and trust personalty as if the decedent had died intestate.

''(ii) ADOPTED HEIRS.—Any person recognized as an heir by virtue of adoption under the Act of July 8, 1940 (25 U.S.C. 372a), shall be treated as the child of a decedent under this subsection.

''(iii) ADOPTED-OUT CHILDREN.—

''(I) IN GENERAL.—For purposes of this Act, an adopted person shall not be considered the child or issue of his natural parents, except in distributing the estate of a natural kin, other than the natural parent, who has maintained a family relationship with the adopted person. If a natural parent shall have married the adopting parent, the adopted person for purposes of inheritance by, from and through him shall also be considered the issue of such natural parent.

''(II) ELIGIBLE HEIR PURSUANT TO OTHER FEDERAL LAW OR TRIBAL LAW.—Notwithstanding the provisions of subparagraph (B)(iii)(I), other Federal laws and laws of the Indian tribe with jurisdiction over the trust or restricted interest in land may otherwise define the inheritance rights of adopted-out children.

''(3) DIVORCE.—

''(A) SURVIVING SPOUSE.—

''(i) IN GENERAL.—An individual who is divorced from a decedent, or whose marriage to the decedent has been annulled, shall not be considered to be a surviving spouse unless, by virtue of a subsequent marriage, the individual is married to the decedent at the time of death of the decedent.

''(ii) SEPARATION.—A decree of separation that does not dissolve a marriage, and terminate the status of husband and wife, shall not be considered a divorce for the purpose of this subsection.

''(iii) NO EFFECT ON ADJUDICATIONS.—Nothing in clause (i) shall prevent the Secretary from giving effect to a property right settlement relating to a trust or restricted interest in land or an interest in trust personalty if 1 of the parties to the settlement dies before the issuance of a final decree dissolving the marriage of the parties to the property settlement.

''(B) EFFECT OF SUBSEQUENT DIVORCE ON A WILL OR DEVISE.—

''(i) IN GENERAL.—If, after executing a will, a testator is divorced or the marriage of the testator is annulled, as of the effective date of the divorce or annulment, any disposition of trust or restricted interests in land or of trust personalty made by the will to the former spouse of the testator shall be considered to be revoked unless the will expressly provides otherwise.

''(ii) PROPERTY.—Property that is prevented from passing to a former spouse of a decedent under clause (i) shall pass as if the former spouse failed to survive the decedent.

''(iii) PROVISIONS OF WILLS.—Any provision of a will that is considered to be revoked solely by operation of this subparagraph shall be revived by the remarriage of a testator to the former spouse of the testator.

''(4) AFTER-BORN HEIRS.—A child in gestation at the time of decedent's death will be treated as having survived the decedent if the child lives at least 120 hours after its birth.

''(5) ADVANCEMENTS OF TRUST PERSONALTY DURING LIFETIME; EFFECT ON DISTRIBUTION OF ESTATE.—

''(A) The trust personalty of a decedent who dies intestate as to all or a portion of his or her estate, given during the decedent's lifetime to a person eligible to be an heir of the decedent under subsection (b)(2)(B), shall be treated as an advancement against the heir's inheritance, but only if the decedent declared in a contemporaneous writing, or the heir acknowledged in writing, that the gift is an advancement or is to be taken into account in computing the division and distribution of the decedent's intestate estate.

''(B) For the purposes of this section, trust personalty advanced during the decedent's lifetime is valued as of the time the heir came into possession or enjoyment of the property or as of the time of the decedent's death, whichever occurs first.

''(C) If the recipient of the trust personalty predeceases the decedent, the property shall not be treated as an advancement or taken into account in computing the division and distribution of the decedent's intestate estate unless the decedent's contemporaneous writing provides otherwise.

''(6) HEIRS RELATED TO DECEDENT THROUGH 2 LINES; SINGLE SHARE.—A person who is related to the decedent through 2 lines of relationship is entitled to only a single share of the trust or restricted land or trust personalty in the decedent's estate based on the relationship that would entitle such person to the larger share.

''(7) NOTICE.—

''(A) IN GENERAL.—To the maximum extent practicable, the Secretary shall notify each owner of trust and restricted land of the provisions of this Act.

''(B) COMBINED NOTICES.—The notice under subparagraph (A) may, at the discretion of the Secretary, be provided with the notice required under subsection (a) of section 8 of the American Indian Probate Reform Act of 2004.

''(8) RENUNCIATION OR DISCLAIMER OF INTERESTS.—

''(A) IN GENERAL.—Any person 18 years of age or older may renounce or disclaim an inheritance of a trust or restricted interest in land or in trust personalty through intestate succession or devise, either in full or subject to the reservation of a life estate (where the interest is an interest in land), in accordance with subparagraph (B), by filing a signed and acknowledged declaration with the probate decisionmaker prior to entry of a final probate order. No interest so renounced or disclaimed shall be considered to have vested in the renouncing or disclaiming heir or devisee, and the renunciation or disclaimer shall not be considered to be a transfer or gift of the renounced or disclaimed interest.

''(B) ELIGIBLE RECIPIENTS OF RENOUNCED OR DISCLAIMED INTERESTS; NOTICE TO RECIPIENTS.—

''(i) INTERESTS IN LAND.—A trust or restricted interest in land may be renounced or disclaimed only in favor of—

''(I) an eligible heir;

''(II) any person who would have been eligible to be a devisee of the interest in question pursuant to subsection (b)(1)(A) (but only in cases where the renouncing person is a devisee of the interest under a valid will); or

''(III) the Indian tribe with jurisdiction over the interest in question;

and the interest so renounced shall pass to its recipient in trust or restricted status.

''(ii) TRUST PERSONALTY.—An interest in trust personalty may be renounced or disclaimed in favor of any person who would be eligible to be a devisee of such an interest under subsection (b)(3) and shall pass to the recipient in accordance with the provisions of that subsection.

''(iii) UNAUTHORIZED RENUNCIATIONS AND DISCLAIMERS.—Unless renounced or disclaimed in favor of a person or Indian tribe eligible to receive the interest in accordance with the provisions of this subparagraph, a renounced or disclaimed interest shall pass as if the renunciation or disclaimer had not been made.

''(C) ACCEPTANCE OF INTEREST.—A renunciation or disclaimer of an interest filed in accordance with this paragraph shall be considered accepted when implemented in a final order by a decisionmaker, and shall thereafter be irrevocable. No renunciation or disclaimer of an interest shall be included in such order unless the recipient of the interest has been given notice of the renunciation or disclaimer and has not refused to accept the interest. All disclaimers and renunciations filed and implemented in probate orders made effective prior to the date of enactment of the American Indian Probate Reform Act of 2004 are hereby ratified.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to allow the renunciation of an interest that is subject to the provisions of section 207(a)(2)(D) (25 U.S.C. 2206(a)(2)(D)) in favor of more than 1 person.

''(9) CONSOLIDATION AGREEMENTS.—

''(A) IN GENERAL.—During the pendency of probate, the decisionmaker is authorized to approve written consolidation agreements effecting exchanges or gifts voluntarily entered into between the decedent's eligible heirs or devisees, to consolidate interests in any tract of land included in the decedent's trust inventory. Such agreements may provide for the conveyance of interests already owned by such heirs or devisees in such tracts, without having to comply with the Secretary's rules and requirements otherwise applicable to conveyances by deed of trust or restricted interests in land.

''(B) EFFECTIVE.—An agreement approved under subparagraph (A) shall be considered final when implemented in an order by a decisionmaker. The final probate order shall direct any changes necessary to the Secretary's land records, to reflect and implement the terms of the approved agreement.

''(C) EFFECT ON PURCHASE OPTION AT PROBATE.—Any interest in trust or restricted land that is subject to a consolidation agreement under this paragraph or section 207(e) (25 U.S.C. 2206(e)) shall not be available for purchase under section 207(p) (25 U.S.C. 2206(p)) unless the decisionmaker determines that the agreement should not be approved.''.

SEC. 4. PARTITION OF HIGHLY FRACTIONATED INDIAN LANDS.

Section 205 of the Indian Land Consolidation Act (25 U.S.C. 2204) (as amended by section 6(a)(2)) is amended by adding at the end the following:

''(d) PARTITION OF HIGHLY FRACTIONATED INDIAN LANDS.—

''(1) APPLICABILITY.—This subsection shall be applicable only to parcels of land (including surface and subsurface interests, except with respect to a subsurface interest that has been severed from the surface interest, in which case this subsection shall apply only to the surface interest) which the Secretary has determined, pursuant to paragraph (2)(B), to be parcels of highly fractionated Indian land.

''(2) REQUIREMENTS.—Each partition action under this subsection shall be conducted by the Secretary in accordance with the following requirements:

''(A) APPLICATION.—Upon receipt of any payment or bond required under subparagraph (B), the Secretary shall commence a process for partitioning a parcel of land by sale in accordance with the provisions of this subsection upon receipt of an application by—

''(i) the Indian tribe with jurisdiction over the subject land that owns an undivided interest in the parcel of land; or

''(ii) any person owning an undivided interest in the parcel of land who is eligible to bid at the sale of the parcel pursuant to subclause (II), (III), or (IV) of subparagraph (I)(i);

provided that no such application shall be valid or considered if it is received by the Secretary prior to the date that is 1 year after the date on which notice is published pursuant to section 8(a)(4) of the American Indian Probate Reform Act of 2004.

''(B) COSTS OF SERVING NOTICE AND PUBLICATION.—The costs of serving and publishing notice under subparagraph (F) shall be borne by the applicant. Upon receiving written notice from the Secretary, the applicant must pay to the Secretary an amount determined by the Secretary to be the estimated costs of such service of notice and publication, or furnish a sufficient bond for such estimated costs within the time stated in the notice, failing which, unless an extension is granted by the Secretary, the Secretary shall not be required to commence the partition process under subparagraph (A) and may deny the application. The Secretary shall have the discretion and authority in any case to waive either the payment or the bond (or any portion of such payment or bond) otherwise required by this subparagraph, upon making a determination that such waiver will further the policies of this Act.

''(C) DETERMINATION.—Upon receipt of an application pursuant to subparagraph (A), the Secretary shall determine whether the subject parcel meets the requirements set forth in section 202(6) (25 U.S.C. 2201(6)) to be classified as a parcel of highly fractionated Indian land.

''(D) CONSENT REQUIREMENTS.—

''(i) IN GENERAL.—A parcel of land may be partitioned under this subsection only if the applicant obtains the written consent of—

''(I) the Indian tribe with jurisdiction over the subject land if such Indian tribe owns an undivided interest in the parcel;

''(II) any owner who, for the 3-year period immediately preceding the date on which the Secretary receives the application, has

''(aa) continuously maintained a bona fide residence on the parcel; or

''(bb) operated a bona fide farm, ranch, or other business on the parcel; and

''(III) the owners (including parents of minor owners and legal guardians of incompetent owners) of at least 50 percent of the undivided interests in the parcel, but only in cases where the Secretary determines that, based on the final appraisal prepared pursuant to subparagraph (F), any 1 owner's total undivided interest in the parcel (not including the interest of an Indian tribe or that of the owner requesting the partition) has a value in excess of $1,500.

Any consent required by this clause must be in writing and acknowledged before a notary public (or other official authorized to make acknowledgments), and shall be approved by Secretary unless the Secretary has reason to believe that the consent was obtained as a result of fraud or undue influence.

''(ii) CONSENT BY THE SECRETARY ON BEHALF OF CERTAIN INDIVIDUALS.—For the purposes of clause (i)(III), the Secretary may consent on behalf of—

''(I) undetermined heirs of trust or restricted interests and owners of such interests who are minors and legal incompetents having no parents or legal guardian; and

''(II) missing owners or owners of trust or restricted interests whose whereabouts are unknown, but only after a search for such owners has been completed in accordance with the provisions of this subsection.

''(E) APPRAISAL.—After the Secretary has determined that the subject parcel is a parcel of highly fractionated Indian land pursuant to subparagraph (C), the Secretary shall cause to be made, in accordance with the provisions of this Act for establishing fair market value, an appraisal of the fair market value of the subject parcel.

''(F) NOTICE TO OWNERS ON COMPLETION OF APPRAISAL.—Upon completion of the appraisal, the Secretary shall give notice of the requested partition and appraisal to all owners of undivided interests in the parcel, in accordance with principles of due process. Such notice shall include the following requirements:

''(i) WRITTEN NOTICE.—The Secretary shall attempt to give each owner written notice of the partition action stating the following:

''(I) That a proceeding to partition the parcel of land by sale has been commenced.

''(II) The legal description of the subject parcel.

''(III) The owner's ownership interest in the subject parcel as evidenced by the Secretary's records as of the date that owners are determined in accordance with clause (ii).

''(IV) The results of the appraisal.

''(V) The owner's right to receive a copy of the appraisal upon written request.

''(VI) The owner's right to comment on or object to the proposed partition and the appraisal.

''(VII) That the owner must timely comment on or object in writing to the proposed partition or the appraisal, in order to receive notice of approval of the appraisal and right to appeal.

''(VIII) The date by which the owner's written comments or objections must be received, which shall not be less than 90 days after the date that the notice is mailed under this clause or last published under clause (ii)(II).

''(IX) The address for requesting copies of the appraisal and for submitting written comments or objections.

''(X) The name and telephone number of the official to be contacted for purposes of obtaining information regarding the proceeding, including the time and date of the auction of the land or the date for submitting sealed bids.

''(XI) Any other information the Secretary deems to be appropriate.

''(ii) MANNER OF SERVICE.—

''(I) SERVICE BY CERTIFIED MAIL.—The Secretary shall use due diligence to provide all owners of interests in the subject parcel, as evidenced by the Secretary's records at the time of the determination under subparagraph (C), with actual notice of the partition proceedings by mailing a copy of the written notice described in clause (i) by certified mail, restricted delivery, to each such owner at the owner's last known address. For purposes of this subsection, owners shall be determined from the Secretary's land title records as of the date of the determination under subparagraph (C) or a date that is not more than 90 days prior to the date of mailing under this clause, whichever is later. In the event the written notice to an owner is returned undelivered, the Secretary shall attempt to obtain a current address for such owner by conducting a reasonable search (including a reasonable search of records maintained by local, state, Federal and tribal governments and agencies) and by inquiring with the Indian tribe with jurisdiction over the subject parcel, and, if different from that tribe, the Indian tribe of which the owner is a member, and, if successful in locating any such owner, send written notice by certified mail in accordance with this subclause.

''(II) NOTICE BY PUBLICATION.—The Secretary shall give notice by publication of the partition proceedings to all owners that the Secretary was unable to serve pursuant to subclause (I), and to unknown heirs and assigns by—

''(aa) publishing the notice described in clause (i) at least 2 times in a newspaper of general circulation in the county or counties where the subject parcel of land is located or, if there is an Indian tribe with jurisdiction over the parcel of land and that tribe publishes a tribal newspaper or newsletter at least once every month, 1 time in such newspaper of general circulation and 1 time in such tribal newspaper or newsletter;

''(bb) posting such notice in a conspicuous place in the tribal headquarters or administration building (or such other tribal building determined by the Secretary to be most appropriate for giving public notice) of the Indian tribe with jurisdiction over the parcel of land, if any; and

''(cc) in addition to the foregoing, in the Secretary's discretion, publishing notice in any other place or means that the Secretary determines to be appropriate.

''(G) REVIEW OF COMMENTS ON APPRAISAL.—

''(i) IN GENERAL.—After reviewing and considering comments or information timely submitted by any owner of an interest in the parcel in response to the notice required under subparagraph (F), the Secretary may, consistent with the provisions of this Act for establishing fair market value—

''(I) order a new appraisal; or

''(II) approve the appraisal;

provided that if the Secretary orders a new appraisal under subclause (I), notice of the new appraisal shall be given as specified in clause (ii).

''(ii) NOTICE.—Notice shall be given—

''(I) in accordance with subparagraph (H), where the new appraisal results in a higher valuation of the land; or

''(II) in accordance with subparagraph (F)(ii), where the new appraisal results in a lower valuation of the land.

''(H) NOTICE TO OWNERS OF APPROVAL OF APPRAISAL AND RIGHT TO APPEAL.—Upon making the determination under subparagraph (G), the Secretary shall provide to the Indian tribe with jurisdiction over the subject land and to all persons who submitted written comments on or objections to the proposed partition or appraisal, a written notice to be served on such tribe and persons by certified mail. Such notice shall state—

''(i) the results of the appraisal;

''(ii) that the owner has the right to review a copy of the appraisal upon request;

''(iii) that the land will be sold for not less than the appraised value, subject to the consent requirements under paragraph (2)(D);

''(iv) the time of the sale or for submitting bids under subparagraph (I);

''(v) that the owner has the right, under the Secretary's regulations governing administrative appeals, to pursue an administrative appeal from—

''(I) the determination that the land may be partitioned by sale under the provisions of this section; and

''(II) the Secretary's order approving the appraisal;

''(vi) the date by which an administrative appeal must be taken, a citation to the provisions

of the Secretary's regulations that will govern the owner's appeal, and any other information required by such regulations to be given to parties affected by adverse decisions of the Secretary;

''(vii) in cases where the Secretary determines that any person's undivided trust or restricted interest in the parcel exceeds $1,500 pursuant to paragraph (2)(D)(iii), that the Secretary has authority to consent to the partition on behalf of undetermined heirs of trust or restricted interests in the parcel and owners of such interests whose whereabouts are unknown; and

''(viii) any other information the Secretary deems to be appropriate.

''(I) SALE TO ELIGIBLE PURCHASER.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii) and the consent requirements of paragraph (2)(D), the Secretary shall, after providing notice to owners under subparagraph (H), including the time and place of sale or for receiving sealed bids, at public auction or by sealed bid (whichever of such methods of sale the Secretary determines to be more appropriate under the circumstances) sell the parcel of land by competitive bid for not less than the final appraised fair market value to the highest bidder from among the following eligible bidders:

''(I) The Indian tribe, if any, with jurisdiction over the trust or restricted interests in the parcel being sold.

''(II) Any person who is a member, or is eligible to be a member, of the Indian tribe described in subclause (I).

''(III) Any person who is a member, or is eligible to be a member, of an Indian tribe but not of the tribe described in subclause (I), but only if such person already owns an undivided interest in the parcel at the time of sale.

''(IV) Any lineal descendent of the original allottee of the parcel who is a member or is eligible to be a member of an Indian tribe or, with respect to a parcel located in the State of California that is not within an Indian tribe's reservation or not otherwise subject to the jurisdiction of an Indian tribe, who is a member, or eligible to be a member, of an Indian tribe or owns a trust or restricted interest in the parcel.

''(ii) RIGHT TO MATCH HIGHEST BID.—If the highest bidder is a person who is only eligible to bid under clause (i)(III), the Indian tribe that has jurisdiction over the parcel, if any, shall have the right to match the highest bid and acquire the parcel, but only if—

''(I) prior to the date of the sale, the governing body of such tribe has adopted a tribal law or resolution reserving its right to match the bids of such nonmember bidders in partition sales under this subsection and delivered a copy of such law or resolution to the Secretary; and

''(II) the parcel is not acquired under clause (iii).

''(iii) RIGHT TO PURCHASE.—Any person who is a member, or eligible to be a member, of the Indian tribe with jurisdiction over the trust or restricted interests in the parcel being sold and is, as of the time of sale under this subparagraph, the owner of the largest undivided interest in the parcel shall have a right to purchase the parcel by tendering to the Secretary an amount equal to the highest sufficient bid submitted at the sale, less that amount of the bid attributable to such owner's share, but only if—

''(I) the owner submitted a sufficient bid at the sale;

''(II) the owner's total undivided interest in the parcel immediately prior to the sale was—

''(aa) greater than the undivided interest held by any other co-owners, except where there are 2 or more co-owners whose interests are of equal size but larger than the interests of all other co-owners and such owners of the largest interests have agreed in writing that 1 of them may exercise the right of purchase under this clause; and

''(bb) equal to or greater than 20 percent of the entire undivided ownership of the parcel;

''(III) within 3 days following the date of the auction or for receiving sealed bids, and in accordance with the regulations adopted to implement this section, the owner delivers to the Secretary a written notice of intent to exercise the owner's rights under this clause; and

''(IV) such owner tenders the amount of the purchase price required under this clause—

''(aa) not less than 30 days after the date of the auction or time for receiving sealed bids; and

''(bb) in accordance with any requirements of the regulations promulgated to implement this section.

''(iv) INTEREST ACQUIRED.—A purchaser of a parcel of land under this subparagraph shall acquire title to the parcel in trust or restricted status, free and clear of any and all claims of title or ownership of all persons or entities (not including the United States) owning or claiming to own an interest in such parcel prior to the time of sale.

''(J) PROCEEDS OF SALE.—

''(i) Subject to clauses (ii) and (iii), the Secretary shall distribute the proceeds of sale of a parcel of land under the provisions of this section to the owners of interests in such parcel in proportion to their respective ownership interests.

''(ii) Proceeds attributable to the sale of trust or restricted interests shall be maintained in accounts as trust personalty.

''(iii) Proceeds attributable to the sale of interests of owners whose whereabouts are unknown, of undetermined heirs, and of other persons whose ownership interests have not been recorded shall be held by the Secretary until such owners, heirs, or other persons have been determined, at which time such proceeds shall be distributed in accordance with clauses (i) and (ii).

''(K) LACK OF BIDS OR CONSENT.—

''(i) LACK OF BIDS.—If no bidder described in subparagraph (I) presents a bid that equals or exceeds the final appraised value, the Secretary may either—

''(I) purchase the parcel of land for its appraised fair market value on behalf of the Indian tribe with jurisdiction over the land, subject to the lien and procedures provided under section 214(b) (25 U.S.C. 2213(b)); or

''(II) terminate the partition process.

''(ii) LACK OF CONSENT.—If an applicant fails to obtain any applicable consent required under the provisions of subparagraph (D) by the date established by the Secretary prior to the proposed sale, the Secretary may either extend the time for obtaining any such consent or deny the request for partition.

''(3) ENFORCEMENT.—

''(A) IN GENERAL.—If a partition is approved under this subsection and an owner of an interest in the parcel of land refuses to surrender possession in accordance with the partition decision, or refuses to execute any conveyance necessary to implement the partition, then any affected owner or the United States may—

''(i) commence a civil action in the United States district court for the district in which the parcel of land is located; and

''(ii) request that the court issue an order for ejectment or any other appropriate remedy necessary for the partition of the land by sale.

''(B) FEDERAL ROLE.—With respect to any civil action brought under subparagraph (A)—

''(i) the United States—

''(I) shall receive notice of the civil action; and

''(II) may be a party to the civil action; and

''(ii) the civil action shall not be dismissed, and no relief requested shall be denied, on the ground that the civil action is against the United States or that the United States is a necessary and indispensable party.

''(4) GRANTS AND LOANS.—The Secretary may provide grants and low interest loans to successful bidders at sales authorized by this subsection, provided that—

''(A) the total amount of such assistance in any such sale shall not exceed 20 percent of the appraised value of the parcel of land sold; and

''(B) the grant or loan funds provided shall only be applied toward the purchase price of the parcel of land sold.

''(5) REGULATIONS.—The Secretary is authorized to adopt such regulations as may be necessary to implement the provisions of this subsection. Such regulations shall include provisions for giving notice of sales to prospective purchasers eligible to submit bids at sales conducted under paragraph (2)(I).''.

SEC. 5. OWNER-MANAGED INTERESTS.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 221. OWNER-MANAGED INTERESTS.

''(a) PURPOSE.—The purpose of this section is to provide a means for the co-owners of trust or restricted interests in a parcel of land to enter into surface leases of such parcel for certain purposes without approval of the Secretary.

''(b) MINERAL INTERESTS.—Nothing in this section shall be construed to limit or otherwise affect the application of any Federal law requiring the Secretary to approve mineral leases or other agreements for the development of the mineral interest in trust or restricted land.

''(c) OWNER MANAGEMENT.—

''(1) IN GENERAL.—Notwithstanding any provision of Federal law requiring the Secretary to approve individual Indian leases of individual Indian trust or restricted land, where the owners of all of the undivided trust or restricted interests in a parcel of land have submitted applications to the Secretary pursuant to subsection (a), and the Secretary has approved such applications under subsection (d), such owners may, without further approval by the Secretary, enter into a lease of the parcel for agricultural purposes for a term not to exceed 10 years.

''(2) RULE OF CONSTRUCTION.—No such lease shall be effective until it has been executed by the owners of all undivided trust or restricted interests in the parcel.

''(d) APPROVAL OF APPLICATIONS FOR OWNER MANAGEMENT.—

''(1) IN GENERAL.—Subject to the provisions of paragraph (2), the Secretary shall approve an application for owner management submitted by a qualified applicant pursuant to this section unless the Secretary has reason to believe that the applicant is submitting the application as the result of fraud or undue influence. No such application shall be valid or considered if it is received by the Secretary prior to the date that is 1 year after the date on which notice is published pursuant to section 8(a)(4) of the American Indian Probate Reform Act of 2004.

''(2) COMMENCEMENT OF OWNER-MANAGED STATUS.—Notwithstanding the approval of 1 or more applications pursuant to paragraph (1), no trust or restricted interest in a parcel of land shall acquire owner-managed status until applications for all of the trust or restricted interests in such parcel of land have been submitted to and approved by the Secretary pursuant to this section.

''(e) VALIDITY OF LEASES.—No lease of trust or restricted interests in a parcel of land that is owner-managed under this section shall be valid or enforceable against the owners of such interests, or against the land, the interest or the United States, unless such lease—

''(1) is consistent with, and entered into in accordance with, the requirements of this section; or

''(2) has been approved by the Secretary in accordance with other Federal laws applicable to the leasing of trust or restricted land.

''(f) LEASE REVENUES.—The Secretary shall not be responsible for the collection of, or accounting for, any lease revenues accruing to any interests under a lease authorized by subsection (e), so long as such interest is in owner-managed status under the provisions of this section.

''(g) JURISDICTION.—

''(1) JURISDICTION UNAFFECTED BY STATUS.—The Indian tribe with jurisdiction over an interest in trust or restricted land that becomes

owner-managed pursuant to this section shall continue to have jurisdiction over the interest to the same extent and in all respects that such tribe had prior to the interest acquiring owner-managed status.

''(2) PERSONS USING LAND.—Any person holding, leasing, or otherwise using such interest in land shall be considered to consent to the jurisdiction of the Indian tribe referred to in paragraph (1), including such tribe's laws and regulations, if any, relating to the use, and any effects associated with the use, of the interest.

''(h) CONTINUATION OF OWNER-MANAGED STATUS; REVOCATION.—

''(1) IN GENERAL.—Subject to the provisions of paragraph (2), after the applications of the owners of all of the trust or restricted interests in a parcel of land have been approved by the Secretary pursuant to subsection (d), each such interest shall continue in owner-managed status under this section notwithstanding any subsequent conveyance of the interest in trust or restricted status to another person or the subsequent descent of the interest in trust or restricted status by testate or intestate succession to 1 or more heirs.

''(2) REVOCATION.—Owner-managed status of an interest may be revoked upon written request of the owners (including the parents or legal guardians of minors or incompetent owners) of all trust or restricted interests in the parcel, submitted to the Secretary in accordance with regulations adopted under subsection (l). The revocation shall become effective as of the date on which the last of all such requests has been delivered to the Secretary.

''(3) EFFECT OF REVOCATION.—Revocation of owner-managed status under paragraph (2) shall not affect the validity of any lease made in accordance with the provisions of this section prior to the effective date of the revocation, provided that, after such revocation becomes effective, the Secretary shall be responsible for the collection of, and accounting for, all future lease revenues accruing to the trust or restricted interests in the parcel from and after such effective date.

''(i) DEFINED TERMS.—

''(1) For purposes of subsection (d)(1), the term 'qualified applicant' means—

''(A) a person over the age of 18 who owns a trust or restricted interest in a parcel of land; and

''(B) the parent or legal guardian of a minor or incompetent person who owns a trust or restricted interest in a parcel of land.

''(2) For purposes of this section, the term 'owner-managed status' means, with respect to a trust or restricted interest, that—

''(A) the interest is a trust or restricted interest in a parcel of land for which applications covering all trust or restricted interests in such parcel have been submitted to and approved by the Secretary pursuant to subsection (d);

''(B) the interest may be leased without approval of the Secretary pursuant to, and in a manner that is consistent with, the requirements of this section; and

''(C) no revocation has occurred under subsection (h)(2).

''(j) SECRETARIAL APPROVAL OF OTHER TRANSACTIONS.—Except with respect to the specific lease transaction described in paragraph (1) of subsection (c), interests that acquire owner-managed status under the provisions of this section shall continue to be subject to all Federal laws requiring the Secretary to approve transactions involving trust or restricted land (including leases with terms of a duration in excess of 10 years) that would otherwise apply to such interests if the interests had not acquired owner-managed status under this section.

''(k) EFFECT OF SECTION.—Subject to subsections (c), (f), and (h), nothing in this section diminishes or otherwise affects any authority or responsibility of the Secretary with respect to an interest in trust or restricted land.''.

SEC. 6. ADDITIONAL AMENDMENTS.

(a) IN GENERAL.—The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in the second sentence of section 205(a) (25 U.S.C. 2204(a)), by striking ''over 50 per centum of the undivided interests'' and inserting ''undivided interests equal to at least 50 percent of the undivided interest'';

(2) in section 207 (25 U.S.C. 2206), by adding a subsection at the end as follows:

''(p) PURCHASE OPTION AT PROBATE.—

''(1) IN GENERAL.—The trust or restricted interests in a parcel of land in the decedent's estate may be purchased at probate in accordance with the provisions of this subsection.

''(2) SALE OF INTEREST AT FAIR MARKET VALUE.—Subject to paragraph (3), the Secretary is authorized to sell trust or restricted interests in land subject to this subsection, including the interest that a surviving spouse would otherwise receive under section 207(a)(2) (A) or (D), at no less than fair market value, as determined in accordance with the provisions of this Act, to any of the following eligible purchasers:

''(A) Any other eligible heir taking an interest in the same parcel of land by intestate succession or the decedent's other devisees of interests in the same parcel who are eligible to receive a devise under section 207(b)(1)(A).

''(B) All persons who own undivided trust or restricted interests in the same parcel of land involved in the probate proceeding.

''(C) The Indian tribe with jurisdiction over the interest, or the Secretary on behalf of such Indian tribe.

''(3) REQUEST TO PURCHASE; AUCTION; CONSENT REQUIREMENTS.—No sale of an interest in probate shall occur under this subsection unless—

''(A) an eligible purchaser described in paragraph (2) submits a written request to purchase prior to the distribution of the interest to heirs or devisees of the decedent and in accordance with any regulations of the Secretary; and

''(B) except as provided in paragraph (5), the heirs or devisees of such interest, and the decedent's surviving spouse, if any, receiving a life estate under section 207(a)(2) (A) or (D) consent to the sale.

If the Secretary receives more than 1 request to purchase the same interest, the Secretary shall sell the interest by public auction or sealed bid (as determined by the Secretary) at not less than the appraised fair market value to the eligible purchaser submitting the highest bid.

''(4) APPRAISAL AND NOTICE.—Prior to the sale of an interest pursuant to this subsection, the Secretary shall—

''(A) appraise the interest at its fair market value in accordance with this Act;

''(B) provide eligible heirs, other devisees, and the Indian tribe with jurisdiction over the interest with written notice, sent by first class mail, that the interest is available for purchase in accordance with this subsection; and

''(C) if the Secretary receives more than 1 request to purchase the interest by a person described in subparagraph (B), provide notice of the manner (auction or sealed bid), time and place of the sale, a description, and the appraised fair market value, of the interest to be sold—

''(i) to the heirs or other devisees and the Indian tribe with jurisdiction over the interest, by first class mail; and

''(ii) to all other eligible purchasers, by posting written notice in at least 5 conspicuous places in the vicinity of the place of hearing.

''(5) SMALL UNDIVIDED INTERESTS IN INDIAN LANDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the consent of a person who is an heir otherwise required under paragraph (3)(B) shall not be required for the auction and sale of an interest at probate under this subsection if—

''(i) the interest is passing by intestate succession; and

''(ii) prior to the auction the Secretary determines in the probate proceeding that the interest passing to such heir represents less than 5 percent of the entire undivided ownership of the parcel of land as evidenced by the Secretary's records as of the time the determination is made.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), the consent of such heir shall be required for the sale at probate of the heir's interest if, at the time of the decedent's death, the heir was residing on the parcel of land of which the interest to be sold was a part.

''(6) DISTRIBUTION OF PROCEEDS.—Proceeds from the sale of interests under this subsection shall be distributed to the heirs, devisees, or spouse whose interest was sold in accordance with the values of their respective interests. The proceeds attributable to an heir or devisee shall be held in an account as trust personalty if the interest sold would have otherwise passed to the heir or devisee in trust or restricted status.'';

(3) in section 206 (25 U.S.C. 2205)—

(A) in subsection (a), by striking paragraph (3) and inserting the following:

''(3) TRIBAL PROBATE CODES.—Except as provided in any applicable Federal law, the Secretary shall not approve a tribal probate code, or an amendment to such a code, that prohibits the devise of an interest in trust or restricted land to—

''(A) an Indian lineal descendant of the original allottee; or

''(B) an Indian who is not a member of the Indian tribe with jurisdiction over such an interest;

unless the code provides for—

''(i) the renouncing of interests to eligible devisees in accordance with the code;

''(ii) the opportunity for a devisee who is the spouse or lineal descendant of a testator to reserve a life estate without regard to waste; and

''(iii) payment of fair market value in the manner prescribed under subsection (c)(2).''; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) by striking the paragraph heading and inserting the following:

''(1) AUTHORITY.—

''(A) IN GENERAL.—'';

(II) in the first sentence of subparagraph (A) (as redesignated by clause (i)), by striking ''section 207(a)(6)(A) of this title'' and inserting ''section 207(b)(2)(A)(ii) of this title''; and

(III) by striking the last sentence and inserting the following:

''(B) TRANSFER.—The Secretary shall transfer payments received under subparagraph (A) to any person or persons who would have received an interest in land if the interest had not been acquired by the Indian tribe in accordance with this paragraph.''; and

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) by striking the subparagraph heading and all that follows through ''Paragraph (1) shall not apply'' and inserting the following:

''(A) INAPPLICABILITY TO CERTAIN INTERESTS.—

''(i) IN GENERAL.—Paragraph (1) shall not apply'';

(bb) in clause (i) (as redesignated by item (aa)), by striking ''if, while'' and inserting the following: ''if—

''(I) while'';

(cc) by striking the period at the end and inserting ''; or''; and

(dd) by adding at the end the following:

''(II)(aa) the interest is part of a family farm that is devised to a member of the family of the decedent; and

''(bb) the devisee agrees that the Indian tribe with jurisdiction over the land will have the opportunity to acquire the interest for fair market value if the interest is offered for sale to a person or entity that is not a member of the family of the owner of the land.

''(ii) RECORDING OF INTEREST.—On request by the Indian tribe described in clause (i)(II)(bb), a restriction relating to the acquisition by the Indian tribe of an interest in a family farm involved shall be recorded as part of the deed relating to the interest involved.

''(iii) MORTGAGE AND FORECLOSURE.—Nothing in clause (i)(II) limits—

''(I) the ability of an owner of land to which that clause applies to mortgage the land; or

''(II) the right of the entity holding such a mortgage to foreclose or otherwise enforce such a mortgage agreement in accordance with applicable law.

''(iv) DEFINITION OF 'MEMBER OF THE FAMILY'.—In this paragraph, the term 'member of the family', with respect to a decedent or landowner, means—

''(I) a lineal descendant of a decedent or landowner;

''(II) a lineal descendant of the grandparent of a decedent or landowner;

''(III) the spouse of a descendant or landowner described in subclause (I) or (II); and

''(IV) the spouse of a decedent or landowner.''; and

(II) in subparagraph (B), by striking ''subparagraph (A)'' and all that follows through ''207(a)(6)(B) of this title'' and inserting ''paragraph (1)'';

(4) in section 207 (25 U.S.C. 2206), by striking subsection (g);

(5) in section 213 (25 U.S.C. 2212)—

(A) by striking the section heading and inserting the following:

''SEC. 2212. FRACTIONAL INTEREST ACQUISITION PROGRAM.'';

(B) in subsection (a), by—

(i) adding in paragraph (1) ''or from an heir during probate in accordance with section 207(p) (25 U.S.C. 2206(p))'' after ''owner,''; and

(ii) striking ''(2) AUTHORITY OF SECRETARY.—'' and all that follows through ''the Secretary shall submit'' and inserting the following:

''(2) AUTHORITY OF SECRETARY.—The Secretary shall submit''; and

(iii) by striking ''whether the program to acquire fractional interests should be extended or altered to make resources'' and inserting ''how the fractional interest acquisition program should be enhanced to increase the resources made'';

(C) in subsection (b), by striking paragraph (4) and inserting the following:

''(4) shall minimize the administrative costs associated with the land acquisition program through the use of policies and procedures designed to accommodate the voluntary sale of interests under this section, notwithstanding the existence of any otherwise applicable policy, procedure, or regulation, through the elimination of duplicate—

''(A) conveyance documents;

''(B) administrative proceedings; and

''(C) transactions.'';

(D) in subsection (c)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''at least 5 percent of the'' and inserting in its place ''an'';

(II) in subparagraph (A), by inserting ''in such parcel'' following ''the Secretary shall convey an interest'';

(III) in subparagraph (A), by striking ''landowner upon payment'' and all that follows and inserting the following: ''landowner—

''(i) on payment by the Indian landowner of the amount paid for the interest by the Secretary; or

''(ii) if—

''(I) the Indian referred to in this subparagraph provides assurances that the purchase price will be paid by pledging revenue from any source, including trust resources; and

''(II) the Secretary determines that the purchase price will be paid in a timely and efficient manner.''; and

(IV) in subparagraph (B), by inserting before the period at the end the following: ''unless the interest is subject to a foreclosure of a mortgage in accordance with the Act of March 29, 1956 (25 U.S.C. 483a)''; and

(ii) in paragraph (3), by striking ''10 percent or more of the undivided interests'' and inserting ''an undivided interest''; and

(E) by adding at the end of the section:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $75,000,000 for fiscal year 2005, $95,000,000 for fiscal year 2006, and $145,000,000 for each of fiscal years 2007 through 2010.'';

(6) in section 214 (25 U.S.C. 2213), by striking subsection (b) and inserting the following:

''(b) APPLICATION OF REVENUE FROM ACQUIRED INTERESTS TO LAND CONSOLIDATION PROGRAM.—

''(1) IN GENERAL.—The Secretary shall have a lien on any revenue accruing to an interest described in subsection (a) until the Secretary provides for the removal of the lien under paragraph (3), (4), or (5).

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—Until the Secretary removes a lien from an interest in land under paragraph (1)—

''(i) any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary; and

''(ii) any revenue derived from any interest acquired by the Secretary in accordance with section 213 shall be deposited in the fund created under section 216.

''(B) APPROVAL OF TRANSACTIONS.—Notwithstanding section 16 of the Act of June 18, 1934 (commonly known as the 'Indian Reorganization Act') (25 U.S.C. 476), or any other provision of law, until the Secretary removes a lien from an interest in land under paragraph (1), the Secretary may approve a transaction covered under this section on behalf of an Indian tribe.

''(3) REMOVAL OF LIENS AFTER FINDINGS.—The Secretary may remove a lien referred to in paragraph (1) if the Secretary makes a finding that—

''(A) the costs of administering the interest from which revenue accrues under the lien will equal or exceed the projected revenues for the parcel of land involved;

''(B) in the discretion of the Secretary, it will take an unreasonable period of time for the parcel of land to generate revenue that equals the purchase price paid for the interest; or

''(C) a subsequent decrease in the value of land or commodities associated with the parcel of land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time.

''(4) REMOVAL OF LIENS UPON PAYMENT INTO THE ACQUISITION FUND.—The Secretary shall remove a lien referred to in paragraph (1) upon payment of an amount equal to the purchase price of that interest in land into the Acquisition Fund created under section 2215 of this title, except where the tribe with jurisdiction over such interest in land authorizes the Secretary to continue the lien in order to generate additional acquisition funds.

''(5) OTHER REMOVAL OF LIENS.—The Secretary may, in consultation with tribal governments and other entities described in section 213(b)(3), periodically remove liens referred to in paragraph (1) from interests in land acquired by the Secretary.'';

(7) in section 215 (25 U.S.C. 2214), in the last sentence, by striking ''section 2212 of this title'' and inserting ''this Act'';

(8) in section 216 (25 U.S.C. 2215)—

(A) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) collect all revenues received from the lease, permit, or sale of resources from interests acquired under section 213 or paid by Indian landowners under section 213.''; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''Subject to paragraph (2), all'' and inserting ''All'';

(II) in subparagraph (A), by striking ''and'' at the end;

(III) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(IV) by adding at the end the following:

''(C) be used to acquire undivided interests on the reservation from which the income was derived.''; and

(ii) by striking paragraph (2) and inserting the following:

''(2) USE OF FUNDS.—The Secretary may use the revenue deposited in the Acquisition Fund under paragraph (1) to acquire some or all of the undivided interests in any parcels of land in accordance with section 205.'';

(9) in section 217 (25 U.S.C. 2216)—

(A) in subsection (b)(1), by striking subparagraph (B) and inserting a new subparagraph (B) as follows:

''(B) WAIVER OF REQUIREMENT.—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an owner of a trust or restricted interest in land either selling, exchanging, or conveying by gift deed for no or nominal consideration such interest—

''(i) to an Indian person who is the owner's spouse, brother, sister, lineal ancestor, lineal descendant, or collateral heir; or

''(ii) to an Indian co-owner or to the tribe with jurisdiction over the subject parcel of land, where the grantor owns a fractional interest that represents 5 percent or less of the parcel.'';

(B) in subsection (e), by striking the matter preceding paragraph (1), and inserting ''Notwithstanding any other provision of law, the names and mailing addresses of the owners of any interest in trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual shall, upon written request, be made available to'';

(C) in subsection (e)(1), by striking ''Indian'';

(D) in subsection (e)(3), by striking ''prospective applicants for the leasing, use, or consolidation of'' and inserting ''any person that is leasing, using, or consolidating, or is applying to lease, use, or consolidate,''; and

(E) by striking subsection (f) and inserting the following:

''(f) PURCHASE OF LAND BY INDIAN TRIBE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), before the Secretary approves an application to terminate the trust status or remove the restrictions on alienation from a parcel of, or interest in, trust or restricted land, the Indian tribe with jurisdiction over the parcel shall have the opportunity—

''(A) to match any offer contained in the application; or

''(B) in a case in which there is no purchase price offered, to acquire the interest in the parcel by paying the fair market value of the interest.

''(2) EXCEPTION FOR FAMILY FARMS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to a parcel of, or interest in, trust or restricted land that is part of a family farm that is conveyed to a member of the family of a landowner (as defined in section 206(c)(2)(A)(iv)) if the conveyance requires that in the event that the parcel or interest is offered for sale to an entity or person that is not a member of the family of the landowner, the Indian tribe with jurisdiction over the land shall be afforded the opportunity to purchase the interest pursuant to paragraph (1).

''(B) APPLICABILITY OF OTHER PROVISION.—Section 206(c)(2)(A) shall apply with respect to the recording and mortgaging of any trust or restricted land referred to in subparagraph (A).'';

(10) in section 219(b)(1)(A) (25 U.S.C. 2218(b)(1)(A)), by striking ''100'' and inserting ''90''; and

(11) in section 219, by adding at the end of the section:

''(g) OTHER LAWS.—Nothing in this Act shall be construed to supersede, repeal, or modify any general or specific statute authorizing the grant or approval of any type of land use transaction

involving fractional interests in trust or restricted land.''.

(b) DEFINITIONS.—Section 202 of the Indian Land Consolidation Act (25 U.S.C. 2201) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) 'Indian' means—

''(A) any person who is a member of any Indian tribe, is eligible to become a member of any Indian tribe, or is an owner (as of the date of enactment of the American Indian Probate Reform Act of 2004) of a trust or restricted interest in land;

''(B) any person meeting the definition of Indian under the Indian Reorganization Act (25 U.S.C. 479) and the regulations promulgated thereunder; and

''(C) with respect to the inheritance and ownership of trust or restricted land in the State of California pursuant to section 207, any person described in subparagraph (A) or (B) or any person who owns a trust or restricted interest in a parcel of such land in that State.'';

(2) by striking paragraph (4) and inserting the following:

''(4) 'trust or restricted lands' means lands, title to which is held by the United States in trust for an Indian tribe or individual, or which is held by an Indian tribe or individual subject to a restriction by the United States against alienation; and 'trust or restricted interest in land' or 'trust or restricted interest in a parcel of land' means an interest in land, title to which is held in trust by the United States for an Indian tribe or individual, or which is held by an Indian tribe or individual subject to a restriction by the United States against alienation.''; and

(3) by adding at the end the following:

''(6) 'parcel of highly fractionated Indian land' means a parcel of land that the Secretary, pursuant to authority under a provision of this Act, determines to have, as evidenced by the Secretary's records at the time of the determination—

''(A) 50 or more but less than 100 co-owners of undivided trust or restricted interests, and no 1 of such co-owners holds a total undivided trust or restricted interest in the parcel that is greater than 10 percent of the entire undivided ownership of the parcel; or

''(B) 100 or more co-owners of undivided trust or restricted interests;

''(7) 'land' means any real property, and includes within its meaning for purposes of this Act improvements permanently affixed to real property;

''(8) 'person' or 'individual' means a natural person;

''(9) 'eligible heirs' means, for purposes of section 207 (25 U.S.C. 2206), any of a decedent's children, grandchildren, great grandchildren, full siblings, half siblings by blood, and parents who are—

''(A) Indian; or

''(B) lineal descendents within 2 degrees of consanguinity of an Indian; or

''(C) owners of a trust or restricted interest in a parcel of land for purposes of inheriting by descent, renunciation, or consolidation agreement under section 207 (25 U.S.C. 2206), another trust or restricted interest in such parcel from the decedent; and

''(10) 'without regard to waste' means, with respect to a life estate interest in land, that the holder of such estate is entitled to the receipt of all income, including bonuses and royalties, from such land to the exclusion of the remaindermen.''.

(c) ISSUANCE OF PATENTS.—Section 5 of the Act of February 8, 1887 (25 U.S.C. 348), is amended by striking the second proviso and inserting the following: ''Provided, That the rules of intestate succession under the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (including a tribal probate code approved under that Act or regulations promulgated under that Act) shall apply to that land for which patents have been executed and delivered:''.

(d) TRANSFERS OF RESTRICTED INDIAN LAND.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464), is amended in the first proviso by—

(1) striking '', in accordance with'' and all that follows through ''or in which the subject matter of the corporation is located,'';

(2) striking '', except as provided by the Indian Land Consolidation Act'' and all that follows through the colon; and

(3) inserting ''in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) (including a tribal probate code approved under that Act or regulations promulgated under that Act):''.

(e) ESTATE PLANNING.—

(1) CONDUCT OF ACTIVITIES.—Section 207(f)(1) of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) The activities conducted under this subsection shall be conducted in accordance with any applicable—

''(i) tribal probate code; or

''(ii) tribal land consolidation plan.

''(B) The Secretary shall provide estate planning assistance in accordance with this subsection, to the extent amounts are appropriated for such purpose.''.

(2) REQUIREMENTS.—Section 207(f)(2) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(2)) is amended by striking ''and'' at the end of subparagraph (A), redesignating subparagraph (B) as subparagraph (D), and adding the following:

''(B) dramatically increase the use of wills and other methods of devise among Indian landowners;

''(C) substantially reduce the quantity and complexity of Indian estates that pass intestate through the probate process, while protecting the rights and interests of Indian landowners; and''.

(3) PROBATE CODE DEVELOPMENT AND LEGAL ASSISTANCE GRANTS.—Section 207(f)(3) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(3)) is amended by striking paragraph (3) and inserting the following:

''(3) PROBATE CODE DEVELOPMENT AND LEGAL ASSISTANCE GRANTS.—In carrying out this section, the Secretary may award grants to—

''(A) Indian tribes, for purposes of tribal probate code development and estate planning services to tribal members;

''(B) organizations that provide legal assistance services for Indian tribes, Indian organizations, and individual owners of interests in trust or restricted lands that are qualified as nonprofit organizations under section 501(c)(3) of the Internal Revenue Code of 1986 and provide such services pursuant to Federal poverty guidelines, for purposes of providing civil legal assistance to such Indian tribes, individual owners, and Indian organizations for the development of tribal probate codes, for estate planning services or for other purposes consistent with the services they provide to Indians and Indian tribes; and

''(C) in specific areas and reservations where qualified nonprofit organizations referred to in subparagraph (B) do not provide such legal assistance to Indian tribes, Indian organizations, or individual owners of trust or restricted land, to other providers of such legal assistance;

that submit an application to the Secretary, in such form and manner as the Secretary may prescribe.

''(4) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of paragraph (3).''.

(4) NOTIFICATION TO LANDOWNERS.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended by adding at the end the following:

''(l) NOTIFICATION TO LANDOWNERS.—After receiving written request by any owner of a trust or restricted interest in land, the Secretary shall provide to such landowner the following information with respect to each tract of trust or restricted land in which the landowner has an interest:

''(1) The location of the tract of land involved.

''(2) The identity of each other co-owner of interests in the parcel of land.

''(3) The percentage of ownership of each owner of an interest in the tract.

''(m) PILOT PROJECT FOR THE MANAGEMENT OF TRUST ASSETS OF INDIAN FAMILIES AND RELATIVES.—

''(1) DEVELOPMENT PILOT PROJECT.—The Secretary shall consult with tribes, individual landowner organizations, Indian advocacy organizations, and other interested parties to—

''(A) develop a pilot project for the creation of legal entities such as private or family trusts, partnerships corporations, or other organizations to improve, facilitate, and assist in the efficient management of interests in trust or restricted lands or funds owned by Indian family members and relatives; and

''(B) develop proposed rules, regulations, and guidelines to implement the pilot project, including—

''(i) the criteria for establishing such legal entities;

''(ii) reporting and other requirements that the Secretary determines to be appropriate for administering such entities; and

''(iii) provisions for suspending or revoking the authority of an entity to engage in activities relating to the management of trust or restricted assets under the pilot project in order to protect the interests of the beneficial owners of such assets.

''(2) PRIMARY PURPOSES; LIMITATION; APPROVAL OF TRANSACTIONS; PAYMENTS BY SECRETARY.—

''(A) PURPOSES.—The primary purpose of any entity organized under the pilot project shall be to improve, facilitate, and assist in the management of interests in trust or restricted land, held by 1 or more persons, in furtherance of the purposes of this Act.

''(B) LIMITATION.—The organization or activities of any entity under the pilot project shall not be construed to impair, impede, replace, abrogate, or modify in any respect the trust duties or responsibilities of the Secretary, nor shall anything in this subsection or in any rules, regulations, or guidelines developed under this subsection enable any private or family trustee of trust or restricted interests in land to exercise any powers over such interests greater than that held by the Secretary with respect to such interests.

''(C) SECRETARIAL APPROVAL OF TRANSACTIONS.—Any transaction involving the lease, use, mortgage or other disposition of trust or restricted land or other trust assets administered by or through an entity under the pilot project shall be subject to approval by the Secretary in accordance with applicable Federal law.

''(D) PAYMENTS.—The Secretary shall have the authority to make payments of income and revenues derived from trust or restricted land or other trust assets administered by or through an entity participating in the pilot project directly to the entity, in accordance with requirements of the regulations adopted pursuant to this subsection.

''(3) LIMITATIONS ON PILOT PROJECT.—

''(A) NUMBER OF ORGANIZATIONS.—The number of entities established under the pilot project authorized by this subsection shall not exceed 30.

''(B) REGULATIONS REQUIRED.—No entity shall commence activities under the pilot project authorized by this subsection until the Secretary has adopted final rules and regulations under paragraph (1)(B).

''(4) REPORT TO CONGRESS.—Prior to the expiration of the pilot project provided for under this subsection, the Secretary shall submit a report to Congress stating—

''(A) a description of the Secretary's consultation with Indian tribes, individual landowner

associations, Indian advocacy organizations, and other parties consulted with regarding the development of rules and regulations for the creation and management of interests in trust and restricted lands under the pilot project;

''(B) the feasibility of accurately monitoring the performance of legal entities such as those involved in the pilot project, and the effectiveness of such entities as mechanisms to manage and protect trust assets;

''(C) the impact that the use of entities such as those in the pilot project may have with respect to the accomplishment of the goals of the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.); and

''(D) any recommendations that the Secretary may have regarding whether to adopt a permanent program as a management and consolidation measure for interests in trust or restricted lands.

''(n) NOTICE TO HEIRS.—Prior to holding a hearing to determine the heirs to trust or restricted property, or making a decision determining such heirs, the Secretary shall seek to provide actual written notice of the proceedings to all heirs. Such efforts shall include—

''(1) a search of publicly available records and Federal records, including telephone and address directories and including electronic search services or directories;

''(2) an inquiry with family members and coheirs of the property;

''(3) an inquiry with the tribal government of which the owner is a member, and the tribal government with jurisdiction over the property, if any; and

''(4) if the property is of a value greater than $2,000, engaging the services of an independent firm to conduct a missing persons search.

''(o) MISSING HEIRS.—

''(1) For purposes of this subsection and subsection (m), an heir may be presumed missing if—

''(A) such heir's whereabouts remain unknown 60 days after completion of notice efforts under subsection (m); and

''(B) in the proceeding to determine a decedent's heirs, the Secretary finds that the heir has had no contact with other heirs of the decedent, if any, or with the Department relating to trust or restricted land or other trust assets at any time during the 6-year period preceding the hearing to determine heirs.

''(2) Before the date for declaring an heir missing, any person may request an extension of time to locate such heir. The Secretary shall grant a reasonable extension of time for good cause.

''(3) An heir shall be declared missing only after a review of the efforts made in the heirship proceeding and a finding has been made that this subsection has been complied with.

''(4) An heir determined to be missing pursuant to this subsection shall be deemed to have predeceased the decedent for purposes of descent and devise of trust or restricted land and trust personalty within that decedent's estate.''.

SEC. 7. ANNUAL NOTICE AND FILING REQUIREMENT FOR OWNERS OF INTERESTS IN TRUST OR RESTRICTED LANDS.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 222. ANNUAL NOTICE AND FILING; CURRENT WHEREABOUTS OF INTEREST OWNERS.

''On at least an annual basis, the Secretary shall include along with other regular reports to owners of trust or restricted interests in land and individual Indian money account owners a change of name and address form by means of which the owner may confirm or update the owner's name and address. The change of name and address form shall include a section in which the owner may confirm and update the owner's name and address.''.

SEC. 8. NOTICE; EFFECTIVE DATE.

(a) NOTICE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall notify Indian tribes and owners of trust or restricted lands of the amendments made by this Act.

(2) SPECIFICATIONS.—The notice required under paragraph (1) shall be designed to inform Indian owners of trust or restricted land of—

(A) the effect of this Act and the amendments made by this Act, with emphasis on the effect of the provisions of this Act and the amendments made by this Act, on the testate disposition and intestate descent of their interests in trust or restricted land;

(B) estate planning options available to the owners, including any opportunities for receiving estate planning assistance or advice;

(C) the use of negotiated sales, gift deeds, land exchanges, and other transactions for consolidating the ownership of land; and

(D) a toll-free telephone number to be used for obtaining information regarding the provisions of this Act and any trust assets of such owners.

(3) REQUIREMENTS.—The Secretary shall provide the notice required under paragraph (1)—

(A) by direct mail for those Indians with interests in trust and restricted lands for which the Secretary has an address for the interest holder;

(B) through the Federal Register;

(C) through local newspapers in areas with significant Indian populations, reservation newspapers, and newspapers that are directed at an Indian audience; and

(D) through any other means determined appropriate by the Secretary.

(4) CERTIFICATION.—After providing notice under this subsection, the Secretary shall—

(A) certify that the requirements of this subsection have been met; and

(B) publish notice of that certification in the Federal Register.

(b) EFFECTIVE DATE.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206), except subsections (e) and (f) of that section, shall not apply to the estate of an individual who dies before the date that is 1 year after the date on which the Secretary makes the certification required under subsection (a)(4).

SEC. 9. SEVERABILITY.

If any provision of this Act or of any amendment made by this Act, or the application of any such provision to any person or circumstance, is held to be invalid for any reason, the remainder of this Act and of amendments made by this Act, and the application of the provisions and of the amendments made by this Act to any other person or circumstance shall not be affected by such holding, except that each of subclauses (II), (III), and (IV) of section 205(d)(2)(I)(i) is deemed to be inseverable from the other 2, such that if any 1 of those 3 subclauses is held to be invalid for any reason, neither of the other 2 of such subclauses shall be given effect.

SEC. 10. REGULATIONS.

The Secretary is authorized to adopt such regulations as may be necessary to implement the provisions of this Act.

Mr. TALENT. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1721), as amended, was read the third time and passed.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. TALENT. Mr. President, as in executive session, I ask unanimous consent that immediately following the vote in relation to the Cantwell amendment, on Thursday, the Senate proceed to executive session and there be 10 minutes equally divided between the two leaders or their designees prior to three consecutive votes on the following nominations: Calendar No. 559, Sandra Townes, to be U.S. District Judge for the Eastern District of New York; Calendar No. 560, Kenneth Karas, to be U.S. District Judge for the Southern District of New York; Calendar No. 561, Judith Herrera, to be U.S. District Judge for the District of New Mexico. I further ask consent that following those votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDERS FOR THURSDAY, JUNE 3, 2004

Mr. TALENT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Thursday, June 3. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, the Senate then begin a period of morning business for up to 60 minutes, with the majority leader or his designee in control of the first 30 minutes, and the Democratic leader or his designee in control of the final 30 minutes; provided that following morning business, the Senate resume consideration of Calendar No. 503, S. 2400, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. TALENT. Tomorrow, following morning business, the Senate will resume consideration of the Department of Defense authorization bill. Under the previous order, when the Senate resumes consideration of the bill, the pending Crapo and Graham amendments will be adopted, and Senator CANTWELL will be recognized to offer an amendment. There will be up to 4 hours of debate on her amendment prior to a vote. It is anticipated that the vote in relation to the Cantwell amendment will occur at approximately 2:30 p.m. Immediately following the vote in relation to the Cantwell amendment, the Senate will vote on three judicial nominations. Therefore, for the information of Senators, there will be up to four stacked votes beginning in the early afternoon.

For the remainder of the day, the Senate will continue the amending process to the Department of Defense authorization bill.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. TALENT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Thursday, June 3, 2004, at 9:45 a.m.

EXTENSIONS OF REMARKS

FALLEN HEROES

SPEECH OF

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Corporal Forest Jostes who recently was killed in action fighting for freedom in Iraq.

Corporal Jostes was a 21-year-old from Albion, Illinois who served as an Army Corporal with the 1st Battalion, 1st Cavalry Division from Ft. Hood, Texas. He was a 2000 graduate of Edwards County High School, after which he joined the National Guard at the age of 17. He had only been in Iraq for about a week, when military personnel say his Humvee was hit by a rocket-propelled grenade, killing Jostes and the driver, in a suburb of Baghdad.

Corporal Jostes is survived by his parents, Von and Diane Ibbotson; a sister, Michelle Lee Teeter; two brothers Benjamin L. Jostes and Evan R. Ibbotson; and his grandparents, John and Laura Ibbotson, Glen and Darlene Kellison and Norman and Shirley Costley. I am proud of the service this young man has given to our country and the service he and others are doing everyday. Not enough can be said about Corporal Jostes and our other brave men and women who are serving in Iraq. It is troops like him that are risking their lives everyday to ensure our freedom here at home and to others throughout the rest of the world. I salute him and my best wishes go out to his family and all the troops fighting to ensure freedom and democracy.

TRIBUTE TO MR. MICHAEL ROCCIA

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. PAYNE. Mr. Speaker, I am proud to rise today to recognize an outstanding member of my community, Mr. Michael Roccia. For 63 years, he has been fighting to improve the working conditions and lives of American workers. He has spent 32 years with Local 262 in New Jersey, and has served our community well.

He was Shop Chairman for Local 305, CIO from 1940–1969. During that time he organized 500 employees of the L.S. Branch Co. for Playthings, Jewelry, and Novelty Workers, CIO Local 305. When Local 305 became Local 301, he became General Organizer, and when that merged with Local 262, he continued to work, serving as Business Agent for as many as twenty shops. He would go on to serve as Local 262's General Organizer, and eventually became their President. He has been Vice President of both the IUC and the RWDSU, and has served on the Advisory Committee of the UFCW.

Mr. Roccia has lived the life of a worker and an activist. He has labored on an assembly line, organized workers, walked the picket line, negotiated contracts, handled grievances, argued arbitrations, and fought for health and welfare plans. He has led and inspired the men and women of Local 262 in New Jersey to commit to activism, working early in the morning and late at night to improve labor conditions for all workers.

In his own words, "The work of a good trade unionist can never be a 9 to 5 job—never an 8 hour day."

I salute Mr. Roccia, the oldest officer in his Union, for his lifelong commitment to serving others. I am proud to have him in my district, and I am honored to call him my neighbor.

Mr. Speaker, please join me in extending my thanks to Michael Roccia, and I invite my colleagues to join me in wishing him health and happiness throughout his well-deserved retirement.

IN RECOGNITION OF THE FRIENDS OF DAG HAMMARSKJOLD PLAZA, THE TURTLE BAY ASSOCIATION AND THE KATHARINE HEPBURN GARDEN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of the Friends of Dag Hammarskjold Plaza and the Turtle Bay Association, who on May 22, 2004 will unveil in Dag Hammarskjold Plaza Park a bench once owned by the late actress Katherine Hepburn. The ceremony will not only honor Ms. Hepburn's incomparable career, but will also recognize her role as a conservationist and community leader in the Turtle Bay neighborhood.

The bench will be placed in an area of Dag Hammarskjold Park that in 1997 was dedicated to the late actress and renamed the Katherine Hepburn Garden. The garden, built during an extensive renovation of the park, has since become a gathering place for Turtle Bay residents, many of whom were longtime neighbors of Ms. Hepburn and knew her personally. The garden includes a collection of stepping stones engraved with quotes from some of Ms. Hepburn's most memorable movie roles; additionally, Ms. Hepburn's biography is posted at the garden's entrance. I am quite certain that Ms. Hepburn, who was an avid gardener, would be very pleased with how the garden's abundant shade plants have provided her neighborhood of over 60 years with a lovely, tranquil green space—a rarity indeed amid the bustle of midtown Manhattan.

Following the garden's dedication, George Vellonakis, the park's architect, and Millie Margiotta, a board member of the Friends of Dag Hammarskjold Plaza and a longtime member of my District Office staff, toured Ms. Hepburn's Fenwick, Connecticut estate and chatted with Ms. Hepburn on the very bench that will be dedicated on May 22. 1 am so grateful that this wonderful piece of history, which at one time was scheduled to be sold at auction, will now be available for the public to enjoy.

During the upcoming ceremony, Bill Curtis, the President of the Turtle Bay Association, will share fond memories of Ms. Hepburn's efforts to save the Turtle Bay neighborhood's trees when city planners sought to widen 49th Street, along which Ms. Hepburn's townhouse sits. Though she was protective of her privacy, Ms. Hepburn actively supported the Turtle Bay Association's appeals to preserve the character of her neighborhood for future generations to enjoy.

Mr. Speaker, I request that my colleagues join me in honoring the Friends of Dag Hammarskjold Park and the Turtle Bay Association, whose ongoing efforts to preserve the Turtle Bay neighborhood are a fitting tribute to the legacy of a true American icon, the late Katherine Hepburn. To the dedicated volunteers and friends of these fine organizations, I offer my continuing admiration, respect and support.

IN MEMORY OF CHARLETON WILHOIT SYKES

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. FORBES. Mr. Speaker, I rise today to remember a true public servant, the Honorable Charleton Wilhoit Sykes.

Ms. Sykes served on the Southampton County Board of Supervisors and in other positions in Virginia government for 24 years. She contacted my office often seeking assistance for others, but not once for herself. Ms. Sykes was also a businesswoman and was a U.S. Navy veteran of World War II. She knew no strangers and cared for everyone.

I join the Honorable Dallas Jones, Chairman of the Southampton Board of Supervisors, when he said that he was "shocked and saddened" by Ms. Sykes death. "She was a strong voice for Newsons district on this board," Jones said. "She will be sorely missed by everyone." Southampton County Administrator Mike Johnson noted that Ms. Sykes was "a woman of sound judgment, outspoken candor and unquestionable commitment. Her leadership and friendship will be sorely missed."

Ms. Sykes was also a loving mother and friend who will be missed most by those closest to her. Still, her legacy lives on in her family and in the fruits of her faithful service to a caring community and a grateful nation.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING ASSISTANT SHERIFF RICHARD BRESHEARS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Assistant Sheriff Richard Breshears for 35 years of dedicated service to Stanislaus County. Richard will retire from the Stanislaus County Sheriff's Department and will be honored at an event held in California on June 23rd.

Richard began his career as a Stanislaus County Deputy Sheriff in 1970 where he worked in Patrol and Adult Detention. He was assigned to the Investigations Crimes Against Persons Unit in 1973. He was in this unit for almost 18 years, starting out as an investigator and moving up the ranks to Lieutenant. In 1991 Richard was promoted to Captain and served as Commander in both the Custodial Division and the Operations Division. In 1997 he was appointed to Assistant Sheriff and he currently commands the Operations Division.

Mr. Breshears graduated from the FBI National Academy in Virginia in 1982. He has also been a member of numerous law enforcement committees. He is an alumnus of Leadership Modesto, a training program for up and coming community leaders. Richard has served for a number of years as chair of the Law Enforcement Day. He is currently President of the Stanislaus County Police Activities League, a position he has held for 8 years, and he is a member of the Stanislaus County Advisory Board on Substance Abuse. Richard has served on the US Attorney's Eastern District Law Enforcement Executive Council for many years. In 1999 he received the Sheriff's Department "Medal of Merit" for exceptional meritorious service, the second highest award presented by the department.

Mr. Speaker, I rise today to honor Assistant Sheriff Richard Breshears upon his retirement from public service. Although his career in public service has ended, his contributions will be felt for generations to come. I invite my colleagues to join me in wishing Richard a fulfilling retirement.

IN VERMONT, FOOD FROM FAMILY FARMS IS GOOD BUSINESS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. SANDERS. Mr. Speaker, it gives me great pleasure to recognize that two businessmen in Vermont, Steve Birge and Mark Curran, the owners of Black River Produce of Proctorsville, Vermont, were recently selected runners-up for the National Small Business Person of the Year by the Small Business Administration.

Twenty-five years ago Steve Birge began Black River Produce, today a $27 million produce company, when he saw the poor quality of the produce used in the local restaurant in which he worked. Black River originally delivered fresh, local produce to local restaurants in the Proctorsville area of central Vermont. But after he met Mark Curran (while hitchhiking!), the two expanded the company, working with local farmers so that they could supply restaurants with the freshest and most healthful produce available. Today, Black River delivers high-quality produce not only throughout Vermont, but also into parts of western New Hampshire, northern Massachusetts, and eastern New York. It supplies not just restaurants, but grocery stores, schools, hospitals, ski areas, and nursing homes.

Black River Produce has sales of more than $27 million a year, a work force of 100 employees, and a fleet of 30 refrigerated trucks and two tractor trailers.

I salute Black River Produce's commitment to providing its customers with the highest quality foods. The company distributes high-quality Vermont foods, supporting not only local farmers, but other small businesses such as Grafton Cheese, Cold Valley apples, and products from Vermont Butter and Cheese. They are an integral part of the Vermont Fresh Network, which links local farms to local chefs.

Although during out-of-season periods (Vermont, after all, has long winters) Black River distributes produce from out of state, and although it buys fish in Boston, its commitment to local agriculture and local business is noteworthy. In a time when both agribusiness and outsourcing have wrought havoc with traditional American family farms and with American businesses, I salute the remarkable accomplishment of Black River Produce in supporting local access to locally produced foods. Steve Birge and Mark Curran, and their many employees, have shown businesses around the nation that distributing the products from family farms is and can be good business, and that profits can flow both from helping local businesses, and from providing consumers with healthful foods.

CONGRATULATIONS, ECO/SPRINGFIELD, LLC IN AGAWAM, MASSACHUSETTS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. NEAL of Massachusetts. Mr. Speaker, it is my esteemed privilege to note the exceptional achievement of eco/Springfield, LLC, Agawam, Massachusetts as the recipient of the highest honor bestowed by the Occupational Safety and Health Administration to small worksites, the approval as a Safety and Health Achievement Recognition Program (SHARP) participant in the consultation program. Currently fewer than 750 worksites in the country share this honor of SHARP recognition.

SHARP is a program created to provide incentives and support to smaller business owners who meet and exceed the OSHA standards, eco/Springfield, LLC is a strong example of such a business. With the recognition in this OSHA consultation program comes several services at no additional cost to the business owner. These services include recognizing hazards in the workplace, providing a written report that summarizes the findings of this analysis, assisting in developing and maintaining an effective safety and health program, and offering training and education to the employer and employees at the worksite.

I am very proud of all my constituents in this workforce for their tremendous efforts in working with the Massachusetts Consultation Program to receive this honor. Once again, congratulations to all of the men and women who work hard each day at the eco/Springfield, LLC, in Agawam, Massachusetts.

RECOGNIZING NATHANIEL STITT FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Nathaniel Stitt, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 333, and by earning the most prestigious award of Eagle Scout.

Nathaniel has been very active with his troop, participating in many Scout activities and earning numerous merit badges. He has held such leadership positions as Assistant Patrol Leader, Patrol Leader, and Senior Patrol Leader. Nathaniel has also been on staff at the H. Roe Bartle Scout Reservation for the past four years. For his Eagle Scout project, Nathaniel built drying racks for the Volunteer Fire Department at the H. Roe Bartle Scout Reservation.

Mr. Speaker, I proudly ask you to join me in commending Nathaniel Stitt for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

FALLEN HEROES

SPEECH OF

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Torrey Stoffel-Gray, who was recently killed in action in Iraq.

Lance Cpl. Torrey Stoffel-Gray was a 19-year-old Marine from Patoka, Illinois. Patoka is a rural town in my district with a population around 630. At 16 he left Patoka to enter Lincoln Challenge, a military-style alternative school at Rantoul, Ill. Many friends and family say that Lincoln Challenge changed his life and helped him find his way. This young man was recently killed in action in Iraq when his convoy was struck by rocket-propelled grenades and gunfire in the Al Anbar Province. My condolences go out to his family and friends.

Lance Cpl. Stoffel-Gray is survived by his mother, Mary Stoffel, his stepfather Jerry Stoffel and his three brothers, Brandon, Russell, and Blake. Lance Cpl. Stoffel-Gray was awarded the Purple Heart, which was presented to his mother at the time of his burial. Not enough can be said about Lance Cpl. Stoffel-Gray and the rest of our brave men and women serving in Iraq. These soldiers are risking their lives every day to ensure our freedom here at home and for others throughout

the world. I salute him and my best wishes go out to his family and all the troops fighting to ensure freedom and democracy.

REMARKS FOR SERGEANT WILLIAM E. HALL, AWARD OF THE BRONZE STAR MEDAL

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Ms. GRANGER. Mr. Speaker, on February 3, 1953, the Headquarters of the 40th Infantry Division declared that Sergeant William E. Hall (US54024606, Infantry, United States Army, 224th Infantry Regiment) distinguished himself by heroic achievement near Kumhwa, Korea, on the 16th of June and 17th of June 1952. As Sergeant Hall's platoon advanced up an enemy-held hill, the enemy who was waiting in ambush, let loose with a murderous attack. Many casualties were sustained, including Sergeant Hall, who suffered painful wounds. With complete and utter disregard for his personal safety, Sergeant Hall fully exposed himself to enemy fire in order to rally and encourage his men. All radio communications had been knocked out by enemy fire, but Sergeant Hall courageously remained exposed to enemy small arms, automatic weapons, and mortar fire in order to maintain communications by voice and call for reinforcements. The courage, outstanding devotion to duty, and determination displayed by Sergeant Hall under extremely hazardous conditions were directly responsible for maintaining vital communications and resulted in the arrival of needed reinforcements. Sergeant Hall's outstanding courage while risking his life was inspiring to his men and reflects great credit upon himself and the United States Army. Sergeant Hall entered the Federal service from Texas.

PERSONAL EXPLANATION

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. FLAKE. Mr. Speaker, I respectfully request the opportunity to record my position on rollcall votes 177, 178, and 179. 1 was regrettably absent from the chamber on May 17 during rollcall votes 177, 178, and 179. Had I been present, I would have voted ''yea'' on rollcall 177, ''yea'' on rollcall 178, and ''yea'' on rollcall five.

CONGRATULATIONS, ANTHONY F. HEISLER

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Anthony F. Heisler of Philadelphia, Pennsylvania, on his commissioning as a Second Lieutenant in the United States Army.

Lt. Heisler is a recent graduate of the George Washington University where he received a dual Bachelor of the Arts in German Languages and Literature and in History. A resident of Northeast Philadelphia, Lt. Heisler had always aspired to join the Army, and it is his work in college as a cadet in the Army Reserve Officers Training Corps (ROTC) of Georgetown University of which he is most proud.

In his capacity as a cadet, Lt. Heisler was responsible for the oversight of over 80 Army cadets. For his service, Lt. Heisler has won numerous awards, including the Lieutenant Harry W. Apraker, Jr. award, which is given to the cadet who contributes the most to the mission accomplishment of the Georgetown University ROTC program. Upon his commissioning, Lt. Heisler has been assigned to the Field Artillery branch of the Army.

I am eternally grateful to Lt. Heisler for his service to the United States, and I wish him continued success as he begins his career in the United States Army.

FALLEN HEROES

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Ms. JACKSON-LEE of Texas. Mr. Speaker, in the history of our great Nation the cause of freedom has not come easily, but it has come to those who have the will to attain for themselves and for their countrymen. Our Nation has been blessed to have great leaders and visionaries who crafted the Constitution on a new independent Nation. Later, similar strength was needed to eliminate the scourge of slavery. Today, we continue the struggle to make sure that all men and women can taste the sweet nectar of freedom. While we rightfully praise and celebrate the great leaders and visionaries who created and shaped this Nation, let us never forget that even their great work would have fallen short had it not been for the millions of soldiers willing to surrender their life to give the cause of freedom to others.

It was Edmund Burke who once aptly stated: ''The only thing necessary for the triumph of evil is for good men to do nothing.'' The birth of our Nation itself was due to good men who refused to submit to an unjust rule. Time after time, in battle after battle American men and women have not fled from mortal danger, no instead they have rushed towards it. Our brave soldiers built this Nation, first with independence, then with the righteousness of eliminating slavery, and finally in the last century they built this Nation in the eyes of the world, not only as a superpower, but as a Nation that values humanity and kindness over the tyranny of others. It has been said that the generation that came back from fighting World War II was in fact the 'greatest generation' and I would be hard pressed to disagree. Our brave soldiers went to Europe and the Far East to save massacred peoples; they had no choice but victory. Even now, we look back in pain and imagine the horror that could have been had they not been successful. They came back from this war to end all wars and raised a new generation of Americans. They created the greatest middle-class ever seen in the history of the world. Their domestic success ensured a great future for our Nation, their success abroad ensured life and liberty for millions around the world.

I see this same courage and strength in the eyes of our current generation of soldiers. They bear the burden of a new world, in which the greatest threats against our life and freedom are often unseen. They also bear the hope of a Nation and a world that clings to the hope of peace and stability. It was the great statesman Adlai Stevenson who said: ''Patriotism is not a short and frenzied outburst of emotion but the tranquil and steady dedication of a lifetime.'' It is clear that the torch has been passed from the 'greatest generation' to a new generation of men and women willing to dedicate their lives to protecting ours. Our Nation is truly blessed in so many ways, but our soldiers continue to be the greatest protectors of our blessings.

Perhaps the greatest literary reminder we have of the sacrifice our soldiers make in battle is the poem In Flanders Field written by Lieutenant Colonel John McCrae, MD of the Canadian Army:

In Flanders fields the poppies blow
Between the crosses, row on row,
That mark our place, and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.

We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie
In Flanders fields.

Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.

If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.

This poem describes the feelings of Lieutenant Colonel McCrae after the battle of Ypres in 1915. Our soldiers go to war knowing that they may not come back; they go to war knowing their comrades may not come back with them, and yet they do not relent. The courage of our Armed Forces can not be questioned, their dedication can not be taken lightly; truly their sacrifice must be honored dearly.

During this Moment of Silence I want to acknowledge the brave soldiers from my home city of Houston who died fighting for our nation in Iraq and Afghanistan:

Spc. Adolfo C. Carballo, 20, Houston, Texas, Died: April 10, 2004, Baghdad, Iraq; Pfc. Analaura Esparza Gutierrez, 21, Houston, Texas, Died: October 1, 2003, Tikrit, Iraq; Spc. John P. Johnson, 24, Houston, Texas, Died: October 22, 2003, Baghdad, Iraq; Spc. Scott Q. Larson, 22, Houston, Texas, Died: April 5, 2004, Baghdad, Iraq; Sgt. Keelan L. Moss, 23, Houston, Texas, Died: November 2, 2003, Al Fallujah, Iraq; Pfc. Armando Soriano, 20, Houston, Texas, Died: February 1, 2004, Haditha, Iraq; Cpl. Tomas Sotelo Jr., 20, Houston, Texas, Died: June 27, 2003, Baghdad, Iraq; Staff Sgt. Brian T. Craig, 27, Houston, Texas, Died: April 15, 2002, Afghanistan.

The names of those brave soldiers and all soldiers who have died fighting for our nation will always be synonymous with the cause of freedom. It takes that rare individual, who in fact does not see themselves as an individual, but as a piece of a greater mission. I hope and pray for the safe return of our soldiers fighting abroad, I cherish and honor our veterans who served before. Let us take this Memorial Day to heart, for everything we love and hold dear in this great nation of ours was

possible because our brave soldiers were willing to defend it. I leave you now with an powerful poem on the subject of our brave soldiers and veterans from the great American poet Walt Whitman:

DIRGE FOR TWO VETERANS

The last sunbeam
Lightly falls from the finish'd Sabbath,
On the pavement here, and there beyond it is looking,
Down a new-made double grave.

Lo, the moon ascending,
Up from the east the silvery round moon,
Beautiful over the house-tops, ghastly, phantom moon,
Immense and silent moon.

I see a sad procession,
And I hear the sound of coming full-key'd bugles,
All the channels of the city streets they're flooding,
As with voices and with tears.

I hear the great drums pounding,
And the small drums steady whirring,
And every blow of the great convulsive drums,
Strikes me through and through.

For the son is brought with the father,
In the foremost ranks of the fierce assault they fell,
Two veterans son and father dropt together,
And the double grave awaits them.

Now nearer blow the bugles,
And the drums strike more convulsive,
And the daylight o'er the pavement quite has faded,
And the strong dead-march enwraps me.

In the eastern sky up-buoying,
The sorrowful vast phantom moves illumin'd,
'Tis some mother's large transparent face,
In heaven brighter growing.

O strong dead-march you please me!
O moon immense with your silvery face you soothe me!
O my soldiers twain! O my veterans passing to burial!
What I have I also give you.

The moon gives you light,
And the bugles and the drums give you music,
And my heart, O my soldiers, my veterans,
My heart gives you love.

FALLEN HEROES

SPEECH OF

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BURTON. Mr. Speaker, I rise today in observance of Memorial Day and to honor three fallen soldiers from the Fifth District of Indiana who so bravely sacrificed their own lives in Iraq so that Iraqi citizens may one day share in the same freedoms as citizens of our great Nation.

America collectively grieves at the loss of her sons and daughters, but we cannot fully appreciate the enormity of the losses their family and friends have suffered. All we can do is remember that the price of our liberty bears an enormous cost. I am reminded of the words of General George S. Patton, who commanded the U.S. Third Army in the Second World War: ''We should not mourn these brave men, but rather thank God that such men lived.'' It is the determination and willingness of these young men and women to defend our Nation that safeguards all our freedom. We should not and will not soon forget our sons' and daughters' heroic service.

Private First Class Deryk Lyell Hallal (Marine Corps; April 7, 2004), Private First Class Christopher E. Hudson (Army; March 21, 2004), and Sergeant Jarrod W. Black (Army; December 12, 2003) from the Fifth District of Indiana will forever be remembered in the hearts and minds of their family and friends. These three soldiers gave their lives helping free an enslaved people while protecting the world from the scourge of terrorism. We are grateful that there are men like these who are willing to make the ultimate sacrifice for our great Nation. Memorial Day will forever serve as a reminder of their sacrifices as well as all of the past, present, and future heroes who have fought and will so bravely fight to protect our Nation.

FALLEN HEROES

SPEECH OF

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. McDERMOTT. Mr. Speaker, in times of great sorrow and confusion I often turn to the Bible for comfort and guidance.

Ecclesiastes 3:1–8 teaches us, ''For everything there is a season, And a time for every matter under heaven . . . A time to be born, and a time to die; A time to weep, and a time to laugh; A time for war, and a time for peace.''

I hope and pray that soon we will see a time for peace around the world. Brave men and women answered their country's call for duty and paid the ultimate sacrifice. They died as heroes in honorable service to our country, and words inadequately convey our sorrow.

Across Washington State, 13 families grieve over the loss of loved ones in Iraq and Afghanistan. On behalf of the nation, the House of Representatives paused recently for a moment of silence to recognize and honor our fallen heroes.

We can honor our soldiers by remembering their names and reflecting on their contributions to our lives and to our communities. Join me in honoring these brave men and women.

Second Lieutenant Benjamin J. Colgan, 30, from Kent; First Lieutenant Michael R. Adams, 24, from Seattle; Staff Sergeant Cody Prosser, 28, whose mother lives in Seattle; Specialist Jacob R. Herring, 21, from Kirkland; Specialist Jeffrey R. Shaver, 26, from Maple Valley; Lance Corporal Cedric E. Burns, 22, from Vancouver; Specialist Justin W. Hebert, of Arlington; Private First Class Duane E. Longstreth, 19, of Tacoma; Private First Class Kerry D. Scott, 21, of Mount Vernon; Specialist Robert T. Benson, 20, of Spokane; Sergeant Jay A. Blessing, 23, of Tacoma; Sergeant Curt E. Jordan, Jr., of Green Acres; and, Staff Sergeant Christopher Bunda, 29.

America is richer because of their service. America is poorer because of their loss.

The Gospel of John 14:27, offers comfort in the words of Jesus, ''Peace I leave with you; my peace I give you. I do not give to you as the world gives. Do not let your hearts be troubled and do not be afraid.''

FALLEN HEROES

SPEECH OF

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Kim Bigley who was recently killed in Kosovo.

Kim Bigley was an employee of DynCorp International which was serving with the United Nations as international police officers. Kim and other members were fired upon by a Jordanian police officer for unknown reason and she and two others were killed in the resulting firefight.

Kim Bigley was a 47-year-old who lived most of her life in southern and Southwestern Illinois. She was the former warden of the Shawnee Correctional Center, and had just completed her first day of job orientation when she was killed. She is survived by her parents, Jim and Janice Bigley of Greenfield; sons, Casey Morrow of Springfield and Quinn Morrow of Decatur; daughter, Karly Morrow of Paducah; and a brother, Joe Bigley of Sherman. My thoughts and prayers go out to her families and loved ones. Ms. Bigley gave her life in an effort to improve the lives of others. This sacrifice should never be forgotten.

FALLEN HEROES

SPEECH OF

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. NEUGEBAUER. Mr. Speaker, I rise to pay tribute to dedicated soldiers, marines and citizens from my district that paid the ultimate price while serving our country.

Next weekend, our Nation will commemorate Memorial Day. All too often we forget the purposes of our special days we set aside to celebrate. Memorial Day is much more than a three-day weekend that marks the beginning of summer. This day, originally known as Decoration Day, has a long history dating back to the Civil War, commemorating the sacrifices of our armed forces. During this Memorial Day it is fitting that we make a special effort to honor and acknowledge those who have made the ultimate sacrifice in defending our freedom and the freedom of others in Afghanistan and Iraq.

I would like to extend my deepest sympathy to the family and friends who are mourning the loss of Private First Class Chad Bales, Private First Class Ricky Morris, Specialist Robert Arsiaga, Specialist Israel Garza, Corporal Daniel Amaya, and Private First Class Clayton Henson. These gentlemen served our country with courage and dignity. There is no greater valor than sacrifice in the name of freedom.

I pray for the safe return of all of our servicemen and women and thank them for the sacrifice they make every day defending our country.

FALLEN HEROES

SPEECH OF

HON. DENISE L. MAJETTE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 2004

Ms. MAJETTE. Mr. Speaker, When I think of Francis Scott Key's The Star-Spangled Banner, the fourth and final stanza of our National Anthem rarely comes to mind. It reads:

Oh, thus be it ever when free men shall stand
Between their loved homes and war's desolation;
Blest with victory and peace, may the heaven-rescued land
Praise the power that hath made and preserved us a nation!

As we approach Memorial Day, it is in the spirit of these words that we honor the noble spirit of the brave American men and women who have sacrificed their lives for our nation as they served in both Iraq and Afghanistan. Their ultimate sacrifice serves as a constant reminder of the high cost of freedom and our hope for a safer and more peaceful world.

On this day, I would like to acknowledge and remember the soldiers from Georgia who have fallen while serving our nation during the past year.

We Remember: SPC Jamaal Rashard Addison, CPT Tristan Neil Aitken, SPC Marvin Antonio Campo-Siles, SGT Michael Tyron Crockett, SFC Ricky Leon Crockett, SPC Marshall Lane Edgerton, SSG Bobby Charles Franklin, PV2 Benjamin Lee Freeman, SSG Nathaniel Hart, Jr., SPC Christopher James Holland, A1C Antoine Jermaine Holt, SPC Justin Weaver Johnson, SPC Nathaniel Henry Johnson, SPC Kevin John Klinesmith, Jr., CPT Edward Jason Korn, SGT David Terrell Nutt, PFC Diego Fernando Rincon, PFC William Rodriques Strange III, MSG Thomas Ruel Thigpin, Sr., PFC Marquis Antoine Whitaker, and CSM Jerry Lee Wilson.

It is you, our brothers, and our sisters who have paid the ultimate sacrifice—and those who still fight today—who stand between our beloved home, our country, and war's desolation. It is you who will be forever etched in our memory, forever in our hearts, and to whom we will be forever thankful.

FALLEN HEROES

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. UDALL of New Mexico. Mr. Speaker, every year on the last Monday in the month of May, our Nation gathers together to remember and honor those who have so honorably served our country. We memorialize those who have made the ultimate sacrifice for our freedom and for the values we cherish so deeply.

The sacrifice a soldier makes is always in our hearts and minds, but this Memorial Day we have a special remembrance. This year, in addition to all of those brave men and women who have perished in wars past, we honor the 120 soldiers in Operation Enduring Freedom and nearly 800 soldiers in Operation Iraqi Freedom who have lost their lives. Let us pay special tribute to these soldiers, who served their country with valor, and whose sacrifices we will never forget.

On this day, we also commemorate two important anniversaries nearly upon us. June 6th with mark the 60th anniversary of the D–Day forces landing on the beaches of Normandy. As a result of the bravery, skill, and determination of the heroic Americans who served in World War II, the invasion was successful and led to the eventual destruction of a totalitarian Nazi regime and the liberation of millions of enslaved peoples in Europe. It is fitting that today many of the "Greatest Generation" gather in Washington, D.C. to dedicated the new World War II Memorial on the grounds of the National Mall in Washington, D.C.

And June 22nd will mark the 60th anniversary of the Servicemen's Readjustment Act of 1944—what we now know as the GI Bill of Rights. We are reminded this year, by those currently returning from operations abroad and by the anniversary of this celebrated bill, of the importance of caring for our veterans as they return home. The GI Bill of Rights was one of many promises we have made to those serving our country, and one of many we must keep. We must not falter in our promise to provide veterans with quality healthcare upon their return. We must ensure that when veterans pass, their widows—who also sacrifice so much as spouses of our soldiers—receive the benefits they we've promised them. And we must provide the foundation for our veterans to continue leading healthy and productive lives upon their return, in the form of home loans, vocational rehabilitation, educational benefits, and more.

I want to also take time to honor our troops from New Mexico that have lost their lives in Iraq and Afghanistan: Senior Airman Jason Cunningham of Carlsbad; Army Specialist James Pirtle of Carlsbad; Air Force Special Operations pilot Captain Tamara Archuleta of Albuquerque; Marine Private First Class Christopher Ramos of Albuquerque; and Marine Corporal Aaron Austin of Lovington. I want to acknowledge these soldiers on their bravery and for representing not only our country, but also the state of New Mexico. They have truly made their families, their state, and their Nation proud.

Throughout our Nation's history, our armed forces have been on the front lines fighting for our lives with their own. We must never take for granted the freedoms for which they fought, and we will never forget the meaning of the ultimate sacrifice.

FALLEN HEROES

SPEECH OF

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. PLATTS. Mr. Speaker, it is a great honor and privilege for me to participate today in this opportunity for members of the House to pay tribute to fallen heroes across the Nation and in our individual Districts.

It is difficult to find the right words to adequately express the deep respect I have for those who have sacrificed their lives for our great Nation. America would not have been born, nor would our Nation's citizens enjoy the unparalleled blessings of liberty, freedom, and justice for all, but for the courageous and selfless sense of patriotism of countless men and women throughout America's history such as the fallen heroes we honor today.

These are the names of the heroes, with ties to the 19th Congressional District of Pennsylvania, who gave their lives for us while serving in Iraq or Afghanistan: Army Specialist Ryan G. Carlock; Army Specialist Martin W. Kondor; Army Specialist George A. Mitchell; Navy SEAL Petty Officer 1st Class Neil Roberts; and Army Staff Sergeant Kimberly A. Voelz.

My deepest sympathies go out to the family members and friends of our fallen heroes. I hope all citizens will keep them in our prayers and forever remember the selfless sacrifices that these heroes have made on our behalf.

FALLEN HEROES

SPEECH OF

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. McINNIS. Mr. Speaker, as America celebrates Memorial Day, it is important for us to remember those dedicated soldiers who have made the ultimate sacrifice for our country. The freedoms we enjoy today are a direct result of the sacrifices made by young men and women throughout our nation. Each generation must renew its commitment to defend our liberties, and a new generation of young Americans are today fighting bravely for freedom's cause. The War on Terrorism has claimed over 750 American lives in Iraq and Afghanistan, and four of those brave soldiers came from my district in Colorado. I know that those who seek the true meaning of duty, honor, and sacrifice will find it in dedicated servants like Marine Corporal Randal Rosacker, Staff Sergeant Mark Lawton, Private First Class Chance Phelps, and Sergeant First Class Randy Rehn. Our nation will long endure due to the strength and character of men and women like these four courageous soldiers who served our country.

Randal Rosacker was the oldest of three children and was known as a born leader. In high school, his teammates voted him captain of the baseball team. Randal had always wanted to become a marine and joined the corps when he turned eighteen, despite scholarship offers to play college football. By doing so, Randal was upholding the finest military traditions of both his family and this nation, and I know Randal's family and friends take pride in the uniform he wore and the ideals for which he fought.

As a young man, Mark Lawton was an excellent athlete and ran track for Moffat County High School. Prior to his service with the Army Reserves, Mark spent fourteen years in the Marine Corps, serving in the first Gulf War. In his civilian life, Mark worked for a local coal company as a heavy equipment operator. Most importantly, he was a family man who leaves behind a wife and two sons. While his family's feelings of loss and sorrow are deep, they can take solace in the fact that Mark died in the service of the people and ideals of our nation.

A tall and athletic nineteen-year-old, Chance Phelps attended Moffat County and Palisade high schools where he was known for his fun-loving nature and being an avid outdoorsman. He came from a family with a rich military tradition, his father John being a Vietnam veteran, and his sister Kelley working at the Pentagon. After the terrorist bombings of 9–11, Chance knew that he had to do something for his nation, and resolved to join the Marines. As a dedicated member of our Armed Forces and as a patriot, he answered the call of duty, embarking on a journey to defend freedom and independence.

Randy Rehn was known as an athlete and a prankster. At Niwot High School, he was a football player and an all-state wrestler. He was a loving husband and the new father of a six-month-old girl. I know that Randy's daughter, family and friends take pride in the uniform he wore and the ideals for which he fought.

Mr. Speaker, I cannot fully express my deep sense of gratitude for the sacrifice of these young soldiers and their families. Throughout our history, men and women in uniform have fought our battles with distinction and courage. At the dawn of this new century, the United States military has once again been called to defend our freedom against a new and emerging threat. Soldiers like Randal, Mark, Chance, and Randy embody America's determination to lead the world in confronting that threat, and their devotion to that cause will not be forgotten. These brave soldiers have made all Americans proud and I know they have the respect and admiration of all of my colleagues here today.

FALLEN HEROES

SPEECH OF

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. SWEENEY. Mr. Speaker, as we reflect on this Memorial Day and remember our fallen heroes, I would like to offer special recognition for four incredibly brave men from my district who sacrificed their lives fighting the war on terror.

On September 10, 2003, Staff Sgt. Joseph E. Robsky, Jr. of the 759th Ordnance Company was killed when an improvised explosive device he was called on to neutralize detonated. Staff Sgt. Robsky was 31 years old.

On September 15, 2003, 31 year old Staff Sgt. Kevin Kimmerly of North Creek, New York was killed in a rocket-propelled grenade attack on the streets of Baghdad.

On April 8 of this year, a rocket-propelled grenade killed Army Spc. Isaac Michael Nieves as insurgents in Bani Saad, Iraq, ambushed his patrol. Spc. Nieves, from Sidney, New York, was 20 years old.

And on April 11, Easter Sunday of this year, 21 year old Pfc. Nathan P. Brown of South Glens Falls, New York was ambushed while on patrol with his unit in Samarra, Iraq. Nathan Brown served in the Army National Guard's 2nd Battalion, 108th Infantry, 1st Armored Division out of Glens Falls, New York.

Each of these remarkable young men left behind family and friends they loved and cared for. They were cut down in the prime of life by those who hate the very freedoms these soldiers, these Americans, these heroes, were trying to protect.

What makes their sacrifice even more special is the fact that not only were they fighting against the terrorists who have declared war on America, but that they were also fighting for millions of Iraqi citizens who yearn for the freedoms that so many of us take for granted.

With each passing day in the war on terror I think about these heroes and the ultimate sacrifice they made so our mission can be victorious. It is because of men like Joe Robsky, Kevin Kimmerly, Isaac Michael Nieves, Nathan Brown, and the hundreds of other Americans who lost their lives that we must succeed in our mission. I refuse to tarnish their memories by fighting this war in vain.

This Memorial Day, and all others afterward, will have extra significance for me. Casting a vote to send our troops into harm's way is the most difficult thing I have done since coming to Congress. While I remain convinced of the justness of our cause, I now have an even greater appreciation for our men and women fighting the war on terror thousands of miles away from their homes and families.

Mr. Speaker, thank you for the opportunity to honor the memories of the 20th District's bravest soldiers. I will spend my Memorial Day praying for their families, for the successful completion of their mission and for the safe return of all our troops. God bless them all, and God bless America.

CONGRATULATING BOB LINDNER AS HE CELEBRATES HIS RETIREMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to my good friend Bob Lindner, who is retiring from the Baltimore District of the U.S. Army Corps of Engineers. Over our nearly twenty year working relationship, there were a few times that he may not have realized that I considered him a friend, but I am proud to state for the record that I do.

Bob Lindner is a model example of the dedicated but unsung civil servants who make our government work. Those of us who are elected or appointed to policy level positions like to think we are running things, but the truth is that policy is only as good as it is implemented. Bob is a master of understanding the underlying policy and applying it in a practical way to achieve the desired outcome.

Bob, who will turn 62 next week, is retiring after 39 years of civil service. He most recently served as the Chief of the Planning Division for the Baltimore District for the past five years. He is responsible for a staff of 75 engineers and scientists. He has led a strong Civil Works Program that includes the geographic area of our Nation's Capital and portions of six States, and includes projects in the planning, design and construction phases.

Bob's career has been highlighted by numerous accomplishments, including the Scranton and Olyphant Local Flood Protection Projects, Lock Haven Flood Protection Project and numerous projects solving flood control, navigation and erosion problems. It has been through the Wyoming Valley Levee Raising Project that I came to work most closely with Bob. In fact, it took me some time to forgive him for retiring before the project is completed; however, I have come to recognize that he has devoted much of his time in the Corps to training the next generation of managers to follow in his footsteps.

Over the years we faced many obstacles with the Wyoming Valley Levee Raising Project, including budget cuts, an audit, and conflicts among partners, but Bob always managed to keep the project moving forward. We had our battles when I thought the Corps should be more flexible, and he thought I was a bit too ambitious. However, I always knew he had the best interest of the country, the Corps, and the project at heart, and we grew to respect one another.

From 1992 to 1999, Bob was a manager in the Programs and Project Management Division. This included six years as Acting Assistant Chief of the Division. He helped oversee the development and execution of a $2 billion dollar planning, design and construction program dispersed over 27 military installations and civil works and environmental restoration projects in the Susquehanna and Potomac River Basins and Chesapeake Bay.

Prior to 1992, Bob served as Chief of the Project Development Branch in the Planning Division, where he was responsible for the study and plan formulation phase for Civil Works water resources projects. Many of the projects constructed or in construction today, started as studies under Bob's leadership—including those in Scranton, Olyphant, the Wyoming Valley and other projects that reflect highly on the Baltimore District today.

Bob is a trusted confidante. He is known throughout the Army Corps of Engineers Civil Works community for his practical solutions to complex issues.

Bob has been honored through numerous awards, including the Army Superior Civilian Service Award, the Army Commander's Award for Civilian Service, Outstanding Supervisor of the Year for the Baltimore District and Outstanding Supervisor of the Year for the Federal Executive Board for Baltimore Region.

While Bob is a hard worker, he is completely dedicated to his wife Doris and their two children, Nancy and David. They reside in Baldwin, Maryland.

I want to thank Bob for his service to the Nation through his Army and Corps of Engineers career. Bob's knowledge, skill, and abilities developed over a lifetime of dedicated service as an engineer and civil servant, his contribution to his profession and society, and his honesty and ethical standards make him deserving of our recognition today.

Mr. Speaker, I ask that you and my esteemed colleagues in the House of Representative please join me in congratulating Bob Lindner and wish him all the best for a well-deserved retirement.

RECOGNIZING THE ARTISTIC TALENTS OF TYRON MORRISON

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. DOYLE. Mr. Speaker, I rise today to recognize the tremendous artistic ability of a

young man from my Congressional District, Tyron Morrison of Woodland Hills High School. Tyron is the winner in the 2004 14th Congressional District of Pennsylvania's High School Art Competition, ''An Artistic Discovery.''

Tyron's piece, entitled, ''T.L.,'' is an impressive portrait in acrylic paint of a young man's face, with a strong use of highlight and shadow.

Tyron's artwork was selected from a number of outstanding entries to this year's competition. I am certain that his family is proud of her artistic talents as well as this accomplishment.

It gives me great pride and pleasure that Tyron's painting will be representing the 14th Congressional District of Pennsylvania in the national exhibit of high school students' artwork that will be set up in the United States Capitol in the coming weeks. The winners of the Congressional Art Competitions held in each Congressional District will be displayed in that exhibit.

I encourage my colleagues as well as any visitor to Capitol Hill to view Tyron's artwork, along with all of the other winning artwork that will be on display throughout the next year. It is truly amazing to walk through this corridor and see the interpretation of life through the eyes of these young artists from all across our country.

I would also like to recognize all the other participants in this year's 14th Congressional District High School Art Competition, ''An Artistic Discovery.'' I would like to thank these vibrant young artists for allowing us to share and celebrate their talents, imagination, and creativity. The efforts of these students in expressing themselves in a powerful and positive manner are no less than spectacular.

I hope that all of these individuals continue to utilize their artistic talents, and I wish them all the best of luck in their future endeavors.

FALLEN HEROS

SPEECH OF

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mrs. CUBIN. Mr. Speaker, I rise today to honor Marine Private First Class Chance Phelps.

PFC Phelps, who spent much of his youth in Dubois, Wyoming, died in service to his country near Baghdad on April 9, 2004, Good Friday.

Chance, just 19, had been in Iraq for a month as part of the 1st Marine Division, based at Twentynine Palms, California. He volunteered for the mission during which he was fatally wounded, serving as a machine gunner on an escort vehicle for an Army convoy from the Syrian border to Baghdad. Chance demonstrated incredible valor and courage and will appropriately be awarded the Purple Heart.

As his mother, Gretchen Mack, noted, Chance didn't have to be a Marine, he wanted to be a Marine. After the terrorist attacks of September 11, his greatest desire was to serve his country and fight to preserve America's freedom and liberty. He did it. Both his father, John Phelps, and his mother are firm in their conviction that he willingly made the ultimate sacrifice in defense of his country.

Like many Wyoming children, Chance spent time hunting, fishing and working cows at a friend's ranch. A true All-American boy, he was a star football player who made friends easily. He leaves behind a large, loving family and many friends who will miss him dearly.

The way people felt about Chance was clear at his funeral service in Dubois. Hundreds of people lined the main street, young and old, each person holding aloft an American flag as Chance was carried to his final resting place in a horse-drawn carriage. It was a spontaneous demonstration of the love and admiration Chance inspired in anyone he met, and a testament to the sense of loss, and undying love of our country, that we all feel now that he's gone.

Chance will be sorely missed, but he will forever remain a hero in the hearts of the people of Wyoming.

FALLEN HEROES

SPEECH OF

HON. JOHN KLINE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. KLINE. Mr. Speaker, on this Memorial Day we honor the sacrifices of a new generation of heroes who gave their lives unselfishly for the safety and security of our Nation and our world.

Private Jim Hergott is one of these brave young Americans who made the ultimate sacrifice in pursuit of democracy, freedom, and liberty.

Last July, Private Jim Hergott became the first Minnesotan killed in action in Iraq. A graduate of Shakopee High School, Private Hergott was struck by a sniper while guarding the National Building Museum in Baghdad.

Private Hergott has set an example of service to which few will be called and for which all are grateful. Jim Hergott will be missed, but his contributions endure.

We enjoy the blessings of living in America as a result of men and women throughout our Nation's history who toiled, sacrificed, and struggled to ensure we would have an unparalleled quality of life.

These blessings remain with us today as a result of the men and women who continue to toil, struggle, and sacrifice on our behalf.

We owe a debt of gratitude to Private Hergott and all of the fallen heroes of this generation and those who came before. I ask you to join me in honoring Private Hergott and remembering his fellow heroes to whom we owe so much.

FALLEN HEROES

SPEECH OF

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. ENGLISH. Mr. Speaker, I rise today to recognize and honor Mr. Billie L. Miller for his dedication to his country and exemplary service during World War II. I commend Mr. Miller for his commitment to liberty and justice and for his dutiful service in carrying freedom to the world.

World War II is filled with stories of heroism, selflessness, patriotism and a relentless desire to secure a peaceful and prosperous future for the United States of America and the international community. Brave men left their ordinary lives in order to serve a cause greater than themselves. Mr. Miller was among those great men to take up the call of service and sacrifice.

A man of courage, Mr. Miller served in the 92nd Bombardment Group as a stealth gunner on a B–17 bomber and participated in numerous flying military missions. As a prisoner of war, captured by the enemy, he was forced to trudge alongside his American comrades during an 86 day, 488 mile march from Gross Tychon, Poland to Halle, Germany. A true guardian of freedom, Mr. Miller kept his morale high and persevered, earning several honorary medals and helping America achieve greatness.

I am often reminded that our country has been blessed with great people and leaders; Americans who rose to the challenge when their country was in need. I take great pride in representing a district with so many heroes.

In June of this year, the Slippery Rock Area High School of Pennsylvania's 3rd Congressional District will honor Mr. Miller for his service and bravery during World War II.

Mr. Speaker, I hope my colleagues will join me in honoring Mr. Miller for his dedicated service to our country. The spirit of his sacrifice lives on in the strength of the United States of America.

FALLEN HEROES

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. REYES. Mr. Speaker, today we honor those men and women who have fought and died for the cause of freedom. The cost of freedom is not small, and throughout history our nation has risen to accept this mortal cost so that our fellow citizens of the world could be free.

This generation of Americans, like the generations before, has been called on to serve our great nation with honor, upholding our ideals for people at home and around the world. We are in debt to our brave men and women in uniform who have heeded the call to service in conflicts around the world throughout history, most recently in Iraq and Afghanistan.

Today on the floor of the people's House, we pause to offer a special tribute to those who have paid the ultimate sacrifice on behalf of our nation. Our brave men and women in uniform selflessly sacrifice their own tomorrows so that we may live in freedom. Their families, and especially their children, make sacrifices for us too. As these children grow into young men and women, we need to remind them that their sacrifices and the sacrifices of their parents were not made in vain. We must remind them that as the Bible says, ''in the path of righteousness there is life, [and] in walking its path there is no death''. Most important, we need to remind them that they are the inspiration for their parents' sacrifices; that their parents sacrifice so that they and their children and grandchildren may know the blessings of liberty.

The citizens of the 16th District of Texas have volunteered to preserve freedom at home and abroad throughout our nation's conflicts. We, in El Paso, intimately know and understand the sacrifices that are made by troops and their families in times of war. We are used to seeing our soldiers leave and return, as El Paso's own Patriot battalions based at Fort Bliss are some of the most frequently deployed units in the country. The soldiers, who call Fort Bliss home, even if only for a brief time, are our neighbors, our friends, and our family.

Last year, the people of El Paso gathered together in prayer for the safe and swift return of members of the 507th Maintenance Company who were ambushed by Iraqi forces outside of Al Nasirriyah. The memories of those who were lost were not forgotten in the midst of the joy of welcoming many of them home. They will forever be sons and daughters of El Paso.

As a veteran of the Vietnam War, I know what it feels like to put on the uniform of the United States and leave my family and friends for an uncertain future in an uncertain place to defend the ideals of our nation. I was one of the lucky ones who returned home. We owe much to those who are not so lucky—to them and their families, we owe our deepest gratitude for their sacrifices.

Today, I give a solemn but proud salute to the men and women from El Paso and Fort Bliss who have lost their lives in support of Operation Iraqi Freedom. These fallen heroes will rest with their comrades from around our nation who paid the ultimate price for freedom. They will forever be honored with our sincere gratitude and respect.

IN HONOR OF TOM REEFE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. FARR. Mr. Speaker, it is with great honor and pleasure that I am able to rise today to recognize Tom Reefe, the Executive Director of Leadership Santa Cruz County. Tom has held the position of Executive Director for twelve years, and will retire this coming June.

Leadership Santa Cruz County, an organization that promotes civic participation of emerging community, political and business leaders, has grown tremendously under the tutelage of Tom. He has, for the past twelve years, dedicated a tremendous amount of strength and energy into this noble endeavor.

More than 500 people, including some of my staff, have graduated from Tom's program during his tenure as Executive Director. These graduates come from all walks of life, yet they came to Tom for a common reason: they had a desire to approach the problems, issues, and needs facing our community in a matter of fact and head-on manner.

Indeed, Santa Cruz has benefited greatly from Tom's contributions. His dedication, dynamism and spiritedness have rubbed off onto everyone who has the opportunity to work with him. Our central coast community is truly indebted to Tom Reefe.

IN HONOR OF CAMERON McLEOD AND JOAN SEGERSTROM

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. OSE. Mr. Speaker, I rise today to honor Cameron McLeod and Joan Segerstrom for being chosen as the Fair Oaks Team Teachers of the Year.

Cameron and Joan provide an enriching and exciting sixth grade program for the students of LeGette Elementary School. They collaborate on their instructional program so all students receive a consistent, standards-based, academic opportunity. Along with high academic expectations, Cameron and Joan have high expectations of behavior. They teach students ethical, responsible behavior in a sensitive and caring manner. Cameron and Joan's talents lay in bringing out the best in 11 and 12 year olds. They achieve this by honoring and respecting students and providing opportunities for them to reflect on their own goals and behavior.

Cameron and Joan have worked tirelessly as a team to provide quality educational and social experiences on and off campus. They reach beyond the classroom to excite students toward achievement. Their outdoor environmental programs are the highlight of the school year: An overnight trip to Camp Winthers and the Northstar Ropes Course and a 5-day trip to Point Bonita at the mouth of the Golden Gate Bridge, provide opportunities for new curricular learning and places to practice the team spirit, pride and ethical behavior that Cameron and Joan instill in each student.

Motivating students to succeed is foremost in their program. They tailor their lessons to the learning needs of their students to make the most of their abilities. Cameron and Joan have had such an impact throughout the years, often their former students return to thank them for the influence they made on their lives.

I am honored to recognize a dedicated team whose efforts have had a profound effect on the students they teach. Please join me in congratulating Cameron McLeod and Joan Segerstrom for being named the 2004 Fair Oaks Team Teachers of the Year.

IN HONOR OF THE 395TH ORDNANCE COMPANY

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. GREEN of Wisconsin. Mr. Speaker, it is my privilege to recognize before this House the brave men and women of the 395th Ordnance Company who last week returned home after serving 10 months in Afghanistan. These soldiers played a critical role in the war on terror, and stand as a shining example of patriotism and commitment to all Americans.

In the face of reat peril and threat, the men and women of the Appleton, Wisconsin-based 395th moved essential ammunition and supplies to the battlefield for their comrades. They played a vital role in securing peace and stability in a nation once dominated by terror and oppression, and their efforts have helped nourish the seeds of democracy in Afghanistan.

Mr. Speaker, when future generations of Americans look back on the conflicts in the Middle East, they will certainly remember the service and sacrifice of the 395th. And today, I am thankful that they are home safely with us once again. On behalf of the citizens of Wisconsin's Eighth Congressional District, and a grateful nation, it is my honor to recognize these courageous individuals.

TRIBUTE TO PROFESSOR EMERITUS ARTHUR C. TURNER

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. CALVERT. Mr. Speaker, I rise today to pay tribute to University of California at Riverside Professor Emeritus Arthur Campbell Turner in conjunction with the Citizen's University Committee Banquet being held in his honor on June 3, 2004.

Professor Turner himself explained best his role in the creation of the University of California at Riverside (UCR), in a quote to the local newspaper, the Press Enterprise, in 1988: "I was here before the beginning. I am one of the reasons there was a beginning." No truer statement could be given. Indeed, Professor Turner stands as one of the original eight founding faculty members in 1954 when the California State Legislature deemed that the Citrus Experiment Station in Riverside should become a new campus of the University of California system.

In 1953 professor Turner was recruited from the University of Toronto by founding Provost Gordon Watkins as Chairman of the Division of Social Sciences and Associate Professor of Political Science. As Chairman, Professor Turner appointed about one-quarter of the founding faculty of the College of Letters and Sciences at UCR. In 1958, Dr. Turner became a full Professor. He remained as Chairman until 1961 and was Chairman of the Department of Political Sciences until 1966. As if that is not enough, Professor Turner proceeded to be appointed as associate dean of University of California's Graduate Division, Southern Section, and as such was instrumental in the formation of a graduate division at UCR in 1961.

Dr. Turner, professor of Political Science, was born and raised in Glasgow, Scotland. He received his undergraduate degree in History from the University of Glasgow, graduate degree in History at Oxford (Queens College), and Ph.D. from the University of California at Berkley. While at Berkeley he met and married Netty, a graduate student. Following his Ph.D., Dr. Turner joined the faculty of the University of Toronto.

His educational career at UCR also includes his membership on the Editorial Committee of the University of California Press from 1959–65 and 1980–83, and Chairman of the Committee from 1962–65. Professor Turner has published extensively on British affairs, international relations and the Middle East. Not surprisingly, he has been named in Who's Who in America for the past thirty years. Professor Turner retired in 1988.

Mr. Speaker, Professor Turner has given back to his community four-fold. His vivid memories of the early days of UCR, the joys of building a new university, seeing it grow and become a formidable institution, and recruiting faculty members, some of who are still on the faculty, serve to give us a foundation by which we may judge the progress of our community and future generations.

Professor Turner has been and continues to be a shining example of a person with passion and principles, who has strived to improve the cultural and political direction of our nation. We have a vast system of public higher education in this country; a network of great state universities and colleges. Today we enjoy academic excellence in America as it is enjoyed nowhere else in the world. Professor Turner is one of those responsible for that part of America's incredible educational experiment known as UCR.

FALLEN HEROES

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mrs. LOWEY. Mr. Speaker, today, Congress comes together to honor those veterans who selflessly made the ultimate sacrifice for our country. More than 42 million people have served the United States in war, and more than 1 million have died in battle or service. This moment of silence is a tribute to them, but does not fully express our gratitude for their bravery and sacrifices.

Next weekend, the National World War II Memorial will officially open. More than 16 million Americans served in the Armed Forces during World War II, and more than 400,000 died. The memorial will stand as a reminder of the commitment, bravery, and sacrifice of those who died, and those who survived.

At the same time, today, more than 100,000 service members are risking their lives in the dangerous operations taking place in Iraq, Afghanistan, and elsewhere. The daily and vivid reminders of their courage provide a window into the sacrifices of the past. These reminders should harden our resolve to work for a peaceful future in a just world.

Veterans have continuously defended our democracy and renewed America's promise through their efforts. No service to our nation comes with more peril or is more deserving of our gratitude. With our silence we pay them tribute. With our actions we can begin to repay our debt.

FALLEN HEROES

SPEECH OF

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. GARRETT of New Jersey. Mr. Speaker, each year, Memorial Day gives us the opportunity to honor the brave men and women who have so selflessly stood in harm's way to protect the fundamental freedoms of our great nation. Our soldiers have made so many sacrifices from the Revolutionary War, to the World Wars, to the modern day engagement in Iraq. All of our military personnel deserve our utmost respect, gratitude and care. The great sacrifices that they have made must not be forgotten.

Army Spc. Kyle A. Griffin of Emerson, New Jersey, is one such brave soldier whose sacrifice we must recognize. He laid down his very own life for liberty fighting in Iraq this past year, while defending the very freedoms and rights Americans enjoy today. He did not die in vain, but with a very noble mission in mind—to protect our nation and our citizens against those who wish to see us fail. We must always remember the valiant efforts of Spc. Griffin and continue to pay tribute to all soldiers who have paid the ultimate price.

In 1868 Major General John A. Logan established a ''Decoration Day'' on May 30 as a day of remembrance for the dead of the Civil War. General Logan ordered his posts to decorate the local cemeteries ''with the choicest flowers of springtime'' to honor the thousands killed during those four terrible years.

General Logan's original Decoration Day proclamation called us to honor those who made the ultimate sacrifice, ''We should guard their graves with sacred vigilance . . . Let no neglect, no ravages of time, testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided republic.''

However, the remembrance and dedication General Logan meant to preserve through Decoration Day, seems to have gotten lost over the many years. A recent Gallup poll found that just 28% of Americans are able to explain why we celebrate our modern day version of Decoration Day—Memorial Day.

We may sometimes take for granted the many liberties we enjoy in America, but they have all been earned through the sacrifice paid by so many of the members of our armed forces. Many soldiers have died for our liberty and prosperity. They acted with patriotism and commitment to their country. We owe them a huge debt of gratitude.

I urge you to take this charge to heart and honor those who made the ultimate sacrifice for our country by stopping what you are doing at 3:00 p.m. on Memorial Day to participate in the National Moment of Remembrance. Consider what the world might look like if not for the service of generations of Americans in uniform. Take a moment to remember those who gave their lives, so that you may have freedom. But, don't just stop there.

Take time throughout the rest of the year to reach out to the members of our armed services who are fighting freedom's newest enemies. While we take this day to honor those who have given so much for our freedom in the past, our thoughts should also be drawn on a daily basis to the brave men and women of our armed services who are fighting for the cause of freedom and democracy around the globe today. Tell them that the citizens of our state and nation are grateful for their service, and thank them and their families for the daily sacrifices that allow them to serve.

We must always remember our fallen soldiers, our veterans and our military currently serving as we celebrate Memorial Day. They deserve the highest praise of all.

IN HONOR OF RICHARD BEDAL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. FARR. Mr. Speaker, I rise today to honor Richard W. Bedal, a dedicated member of the Santa Cruz community, upon his retirement. Beginning his commitment to public service in 1970 as a Legal Clerk in the Superior Court Clerk's Office, Mr. Bedal has continued to serve the county of Santa Cruz for over 30 years. Mr. Bedal will be enjoying his retirement in the company of his family and wife, Martha.

In 1975, Mr. Bedal became a Judge Pro Tem in the Small Claims and Traffic Court before accepting the position of Assistant County Clerk in 1976. After spending 6 years supervising the Superior Court Clerk's Office, Mr. Bedal was elected in 1982 and then re-elected in 1986 and 1990 to the position of County Clerk-Recorder for the County of Santa Cruz. His public service took a new turn in 1994 when he was elected to the consolidated office of County Clerk-Recorder and Treasurer-Tax Collector, continuing to serve in this office until his retirement this year. Though a well deserved retirement, Mr. Bedal's long dedication to the county of Santa Cruz will be missed.

In addition to serving the county of Santa Cruz, Mr. Bedal also has been the President of the California Association of County-Treasurers-Tax Collectors, President of the Boys and Girls Club of Santa Cruz, President of the County Recorders' Association of California, and President of the Santa Cruz County Employee's Credit Union throughout his many years of service to his community. An avid biker, Mr. Bedal has also completed the California AIDS ride from San Francisco to Los Angeles and once even biked from Santa Cruz to Santa Barbara to visit his daughter.

Mr. Speaker, I wish to recognize Mr. Richard W. Bedal's accomplishments and contributions to our community. I am immensely grateful for his dedication and I wish him the best of luck in his future endeavors.

IN HONOR OF SYBILLE IRWIN

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. OSE. Mr. Speaker, I rise today to honor an exceptional teacher at Bella Vista High School, in Fair Oaks, California. Sybille Irwin, after 32 years of dedicated service, has been chosen as the Fair Oaks Teacher of the Year.

Sybille Irwin is a German teacher who has single-handedly managed the German Program at Bella Vista High School. All German classes, German 1 through Honors German 5 are taught by Ms. Irwin. Her classes are rigorous and her standards are high. At the same time, she creates a classroom atmosphere of friendliness and fun. Over the years, her creativity, her organization and her passion for the language have resulted in many cultural events including the annual Oktoberfest celebration for the entire Fair Oaks community. She has organized trips to Germany

for her students as well as invited German students to spend the year in Fair Oaks. Sybille is advisor of two clubs and opens her classroom and her heart to students who need help.

Her colleagues and students consider Sybille as the ultimate professional educator. She is always willing to take on challenges and risks to help the school and her students. She is always willing to ''wear another hat'' when needed. She has been the WASC (School Accreditation) Coordinator, a Department Chair, a master teacher for student teachers and a district Site Leader. Additionally, when staffing needs dictated, she has taught French and English to help the master school schedule. She has always encouraged collaboration with colleagues from all departments and is consistently on the cutting edge of new techniques in teaching. For example, she was responsible for the initial introduction of portfolios and rubrics in the Bella Vista Foreign Language department before they became routine.

I am honored to recognize an individual who has committed her life to the enhancement, enrichment and education of our youth. Through her efforts, her professional expertise and her striking and energetic personality, Bella Vista has managed to maintain a thriving German program of which we are very proud. Please join me in congratulating Sybille Irwin for being named the 2004 Fair Oaks Teacher of the Year.

FALLEN HEROES

SPEECH OF

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. GREEN of Wisconsin. Mr. Speaker, today I join my fellow colleagues in recognizing the extraordinary contributions of our men and women in uniform who have lost their lives while serving in Iraq and Afghanistan.

As Memorial Day approaches, Americans are reminded of the sacrifices made by all our military service members. These courageous individuals spread the seeds of democracy to oppressed nations around the globe, helping protect and preserve the freedoms we all cherish. There's no question, our world is a safer place today because of their valiant efforts.

Today, another generation of American service members is fighting for peace and stability in the Middle East. Although they have seen great peril, these individuals, like their predecessors, continue to root out evil and terror wherever it hides. They bring honor and dignity to their mission, and they continue to make all Americans proud.

Mr. Speaker, many Americans have lost their lives in Iraq and Afghanistan—some of which were my constituents—Private First Class Nichole Frye, Staff Sergeant Warren Hansen, Private First Class Ryan Jerabek and Corporal Jesse Thiry. Their sacrifice is a stern reminder to us all that peace comes at a heavy price, and America will not soon forget their contributions to freedom. It is with solemn honor that I, along with the citizens of Wisconsin's 8th Congressional District, recognize today the efforts of our fallen warriors.

TRIBUTE TO ARTHUR L. LITTLEWORTH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. CALVERT. Mr. Speaker, I rise today to pay tribute to one of our Nation's and California's eminent civic leaders and authority on water law. On May 27th, Arthur L. Littleworth was presented with the Frank Miller Civic Achievement Award for his contributions to the community. This annual award, given by the Mission Inn Foundation in Riverside, California, is a small step towards recognizing the enormous contributions by Art for his community, state and Nation.

Art Littleworth has always done the work of four men. His civic and professional engagements cannot help but serve as model to us all and include: senior partner at the law firm Best Best & Krieger, respected expert in water law, former board president of the Riverside Unified School District—playing a leading role in steering the district into voluntary integration of the schools in the mid–1960s, member of the task force that examined Riverside Police Department's use-of-force rules after the 1998 Tyisha Miller shooting, and first board president of the foundation that is honoring him. A dedicated leader, Art has willingly and unselfishly given of his time and talent to make our community and Nation a better place to live and work.

Born and raised in Los Angeles, Art went to Yale University on a full scholarship earning a Bachelor of Arts with Honors in American History. He later entered the U.S. Navy and saw battle in the Pacific during the final months of World War II. Returning home he proceeded to earn a Masters in American History from Stanford University and J.D. from Yale Law School in 1950. That same year he joined Best Best & Krieger.

Art soon found himself representing a local group of ranchers in a federal case regarding Santa Margarita River water in 1958. The case would be in court for five years and have Art emerge as an expert on water law. His expertise grew to a point that the United States Supreme Court appointed him ''Special Master,'' in 1987, in a water rights case between the States of Kansas and Colorado involving the Arkansas River. The Supreme Court unanimously approved his first major finding in this case which became precedent setting in determining damages and awarding prejudgment interest approved by Court, 533 U.S. 1. The Supreme Court is scheduled to hear his most recent ruling in this case this fall.

On the hometown front, Art's reputation also continued to grow as he served on the Riverside Unified School Board from 1958 to 1972, the last 10 years as its president. As president, Art Littleworth played a leading role in overseeing the voluntary desegregation of the district's elementary and middle schools. The feat made Riverside Unified School District the first large school district in the Nation to voluntarily integrate its white and black school children populations and brought the community together as one.

In 1976, Art took the helm as founding President of the Mission Inn Foundation to help the City of Riverside take over the bankrupt hotel and revive it to its historical beauty. The foundation was able to improve the hotel to the point where it was able to be sold to a hotel developer a few years later. It now stands as a testament to the City of Riverside's progress and growth as a city.

Mr. Speaker, Art's tireless passion for water law and vital social issues has and will continue to contribute immensely to the betterment of the community of Riverside, the state of California and our Nation. I know that many community and national leaders are grateful for his service and salute him for his acceptance of the Frank Miller Civic Achievement Award—a fitting token of our appreciation and esteem.

RECOGNITION OF BENJAMIN F. WILSON AS THE IMMEDIATE PAST CHAIRMAN OF THE DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Ms. NORTON. Mr. Speaker, longtime resident of the District of Columbia Benjamin F. Wilson is the immediate past chairman of the District of Columbia Board of Elections and Ethics who served as a member of the Board since June 29, 1990 and as its Chairman from October 1, 1991 until May 24, 2004 having been appointed by three different Mayors of the District of Columbia.

The District of Columbia Board of Elections and Ethics, a Charter independent agency, comprised of a three-member Board who are unpaid volunteers charged to carry out the agency's mission. The mission of the Board is to enfranchise eligible residents, conduct elections, and assure the integrity of the electoral process.

Since the Board's inception in 1955, he is the first chairman to serve continuously for a period of fourteen years without interruption in his service providing exceptional public service to the citizens of the District of Columbia. He is the longest serving Chairman of the Board in its 49 year history.

Mr. Wilson is to be commended for leading the Board while it carried out its mission of administering the electoral process which requires wisdom, courage, and the desire to remain focused on its vision of conducting free and impartial elections conducted in a fair, efficient, and accurate manner.

He has maintained the highest level of integrity in performing the duties of the Board displaying courage and stamina while protecting the public's interest from manipulation for personal or partisan gain respecting the rights of all and maintaining the highest level of integrity.

He has taken to heart the Board's mandate to administer an impartial electoral process for the citizens of the District of Columbia both in the conduct of elections and his commitment to assuring the integrity of our election system in the Board's role as the gatekeepers of Democracy.

Mr. Wilson has been at the forefront of the core of the Board's mission which is voter education, registration, and electoral advancement in the areas of support and technology. He has served on the Board while addressing

issues such as the right of homeless individuals to gain and maintain access to the franchise, developing the process for compliance with the National Voter Registration Act, Uniformed and Overseas Citizens Absentee Voting Act, the support of the right of college students to register and vote, and the Help America Vote Act.

During his long tenure on the Board, he has led the expansion of voting precincts to provide greater voter accessibility for disabled and elderly voters leading the District of Columbia to be the first major jurisdiction in the United States to provide dual voting systems in the polling place allowing blind and other disabled voters to vote in privacy and secrecy without assistance.

He has also led the Office of Campaign Finance to successfully revive and stabilize programs which were formerly dormant and addressed a backlog of cases that existed at the time of his first appointment as Chairman regarding investigative matters.

He has insisted on education for voters, candidates, and the public at-large regarding campaign finance and conflict of interest laws and on imposing and collecting fines to enforce the ethics laws in the District of Columbia.

Mr. Wilson has done outstanding work at the District of Columbia Board of Elections and Ethics, sometimes under trying conditions. For example, the Board conducted a flawless election with new voting machines that had never been used before when the two leading candidates for Mayor of the city were write-in candidates. He successfully led the Board and its staff during an extremely difficult period.

In addition to his service on the District of Columbia Board of Elections and Ethics, Mr. Wilson has actively served the community by serving as the former Chairman of the Board of Directors of Healthy Babies, Incorporated; former Co-Chairman of the Washington Lawyers' Committee for Civil Rights Under the Law; former Chairman of the Board of the Dwight Mosley Foundation; and former Chairman of the Advisory Board of WAMU public radio.

I commend Mr. Wilson for his volunteer public service to the citizens of the District of Columbia.

HONORING THE DEDICATION OF MICAELA CONNERY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2003

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to recognize the extraordinary dedication of a young woman from West Hartford, Micaela Connery, who has been awarded the 2004 Prudential Spirit of the Community Award. This award program was created five years ago and is part of a broad initiative by Prudential to encourage young people to become involved in community service. This year's honorees received national recognition, a $1,000 cash award, and an engraved silver medallion.

Among the 20,000 applicants, Micaela is one of only 104 students who received the Prudential Spirit of the Community Award for her acts of volunteerism. As a sophomore at Conard High School, Micaela was inspired by her cousin with special needs and singlehandedly created a program that showcases the talents of students with and without special needs in theatrical performances. The first production of Micaela's Unified Theater, consisting of 20 students, half with special needs and half without, raised over $500 in donations. The success of Micaela's hard work has spread throughout Connecticut and lead to the formation of Unified Theater, Inc. which provides start-up assistance to other schools.

Micaela demonstrates the highest level of compassion, dedication and achievement among the youth today. As a young adult, she already understands the positive nature of community as she describes through her work in the program, ''every member is an equal. Every member works together in equal collaboration. What makes Unified Theater different is that we see ability where others see disability.''

Mr. Speaker, I ask that my colleagues join me today in thanking and honoring Miss Micaela Connery for her inspiration and dedication to the West Hartford Community.

THANKING THE STUDENTS OF ALCOTT ELEMENTARY SCHOOL FOR SUPPORTING OUR TROOPS

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. CUNNINGHAM. Mr. Speaker, I rise today to express my gratitude to three classrooms at Alcott Elementary School in San Diego: Mrs. Dee Murphy's class in Room B–4, Ms. Natalie Crain's class in Room 9, and Ms. Cindy Weiss' class in Room 20. All of the children in these three classes sent letters of support to my District Director, Nathan Fletcher, who is a Marine Corps reservist currently deployed in Iraq.

The students' letters included words of support, and reminders of San Diego for Nathan and his unit who are deployed out of Camp Pendleton. Their letters included funny jokes, anecdotes about the students' families and pets, praise for our armed forces for their efforts to keep America safe, and thanks for their work to liberate the children and people of Iraq.

Mrs. Murphy's class also sent ''Flat Stanley'' to visit with Nathan in Iraq. In the book, Flat Stanley, by Jeff Brown, Stanley is squashed flat by a falling bulletin board. One of the many advantages is that Flat Stanley can now visit his friends by traveling in an envelope. Flat Stanley has joined Nathan on patrols, and has sent pictures back to Mrs. Murphy's class from his many adventures. The students also sent books and newspapers, and some small snacks and treats.

I am so proud and appreciative of the students from Alcott Elementary. Their simple act of sending a letter has lifted the spirits of Nathan's Unit. In the midst of many long monotonous days, while our troops are missing their families and loved ones at home, these letters reminded our marines from Camp Pendleton of the wonderful things that wait for them when they arrive back home. At the same time, the students are learning about events in the world. I also hope that this exchange will help the students to better understand how very fortunate they are to live in America. Many of the children in Iraq have no shoes, and poor medical care (if any). There isn't enough room for everyone to attend schools, so often the girls go to school in the morning and the boys go to school in the afternoon. Through their interaction with Nathan, the students of Alcott Elementary are catching a glimpse of the lives of a handful of Iraqi children.

I ask my colleagues to join me in thanking the students of Alcott Elementary for their support of our troops. Their letters and gifts have helped to remind our troops that America stands firmly behind them and anxiously awaits their safe return home.

HONORING LANCE CORPORAL JAMES A. CASPER

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. HENSARLING. Mr. Speaker, throughout our history, when our country called, millions of American men and women have made the ultimate sacrifice so that our Nation could enjoy peace and prosperity. From Bunker Hill to Baghdad, many of America's best and brightest have paid the price of our freedom with their lives, leaving behind their friends, their families and their futures.

Recently, the Fifth Congressional District of Texas lost one of our best. Lance Corporal James A. Casper of Coolidge, Texas, was a twenty-year-old Marine assigned to 2nd Battalion, 11th Marines, 1st Division, who lost his life near Al Asad, Iraq, while serving his country in Operation Iraqi Freedom.

Lance Corporal Casper served this country well, as did the other brave men and women who have lost their lives in Iraq, helping to fight our enemies far away in order to prevent them from attacking us again here at home. Undoubtedly, it is through their sacrifice that future generations of Americans and others will enjoy freedom from terror.

As our families and friends gather together this Memorial Day to enjoy barbeques and baseball games, let us not forget the solemn purpose for this national day of remembrance.

Freedom is not free—it comes at an incredible cost. Today, let us show our deep appreciation for those who fought for our freedom and let us honor those, like Lance Corporal Casper, who died defending it. Let us commend their courage, their patriotism, their service and their sacrifice.

In the words of President Ronald Reagan, ''We will always remember. We will always be proud. We will always be prepared, so we may always be free.''

IN HONOR OF M.R.C. GREENWOOD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. FARR. Mr. Speaker, on behalf of both Members representing Santa Cruz County, California, myself and Representative ANNA G.

ESHOO, I rise today to honor M.R.C. Greenwood, former Chancellor of the University of California, Santa Cruz, and a dedicated member of the Santa Cruz community. Ms. Greenwood has recently left her position at UCSC to become Provost and Vice President of Academic Affairs for the University of California. I rise today to honor her contributions both to UCSC and to the community of Santa Cruz County.

As soon as she stepped foot on the UCSC campus in June of 1996, Ms. Greenwood began revolutionizing the institution. During her tenure, she was instrumental in the creation of the Baskin School of Engineering, as well as two new colleges on campus. As an accomplished scientist herself, Ms Greenwood was responsible for the development of many fine research institutions including the Institute for Advanced Feminist Research, the STEPS Institute for Innovation in Environmental Research, the Center for Justice Tolerance, and Community, and the Center for Ocean Health. By the end of her tenure, academic programs had been enhanced and enlarged and graduate and undergraduate enrollment increased to more than 14,000 students. With the campus now reaching a regional annual economic impact of almost $1 billion, her leadership has proven advantageous not only to the students at the university, but to the local community as well.

In addition to her dedication to the campus and academic life, Ms. Greenwood has also made important contributions to our local community. As member of the Board of Directors of Sutter Hospital, the Second Harvest Food Bank, and the United Way of Santa Cruz County, Ms. Greenwood has earned the title of ''Woman of the Year'' from the Santa Cruz Chamber of Commerce.

Mr. Speaker, Representative ESHOO and I would like to extend our gratitude to Ms. Greenwood for her friendship and dedicated service to the UC-Santa Cruz community. Her leadership has benefited the lives of countless students and has improved our community beyond our greatest expectations. We wish her the best of luck in her new role with the University and have no doubt that the entire University of California system will continue to flourish under her guidance.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. GALLEGLY. Mr. Speaker, on Thursday, May 20, 2004, I was unable to vote on the Levin Substitute amendment to H.R. 4359, the Child Care Preservation and Expansion Act (rollcall 208). Had I been present, I would have voted ''nay.''

Additionally Mr. Speaker, on Thursday, May 20, 2004, I was unable to vote on passage of H.R. 4359 (rollcall 209). Had I been present, I would have voted ''aye.''

IN HONOR OF THE GREAT NECK VIGILANT FIRE COMPANY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. ACKERMAN. Mr. Speaker, I rise today to honor the Great Neck Vigilant Fire Company. On June 6th, a parade will be held in honor of the 100th Anniversary of the founding of this extraordinary organization.

The rich history of sacrifice surrounding this courageous volunteer organization is a testament to the spirit that binds our communities together. Its medical personnel and firefighters have spent generations caring for their neighbors. At this moment, as many as sixty thousand individuals, including officers of the Unites States Merchant Marine Academy, depend on these brave fire and rescue volunteers to stave off potential disaster.

In their unflinching century of service to the people of New York, the members of the Vigilant Fire Company have exemplified the remarkable fortitude and courage America has come to associate with its firefighters. Selflessly volunteering to serve Great Neck and the surrounding communities, they have saved countless lives without expectations of reward.

Adaptability and a willingness to be innovative have long been hallmarks of this volunteer Company. It is often on the cutting edge of technological improvements in medical services and fire-fighting techniques. The Vigilant Fire Company aided in September 11th disaster relief and knows firsthand the value of preparedness. Under the leadership of Chief Conrad Singer, it has once again begun proactively engaging the community in planning for the unthinkable.

It is an honor to represent such a collection of generous individuals. Mr. Speaker, I ask all my colleagues in the House to join me now in recognizing this exceptional group of citizens.

EXPRESSING THE GRATITUDE OF THE HOUSE OF REPRESENTATIVES TO ITS PARLIAMENTARIAN, THE HONORABLE CHARLES W. JOHNSON

SPEECH OF

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. RAHALL. Mr. Speaker, as many have already stated, and as many more Members are eager to express, Charlie Johnson's departure will be a loss to this great institution we serve, and which Charlie has served so well for an amazing 40 years.

While a tremendous amount has changed in this country, and in this House, over the last 40 years, one thing that has remained constant is Charlie's dedicated service to this great institution.

Throughout his tenure, Charlie has been a wise counselor, a trusted confidant, and an impartial adjudicator who has served both parties without pride or prejudice. He has served seven Speakers, and he has served each of them—and each of us—admirably.

For those who don't readily grasp the significance of the role of Parliamentarian, it is the Parliamentarian who makes sure that we can continue to conduct the House's business every hour of every day.

Those visiting, or watching at home on C-Span, may understand the importance of the House Parliamentarian as Members come and go from the Speaker's Chair. When they see Members in the Chair making procedural decisions, they also see the Parliamentarian's staff providing helpful advice on a timely basis.

For those of us who serve in the House, the Parliamentarian is an absolute lifeline. He's also the occasional judge, father confessor, and calm in the storm of the House floor as Members and parties seek to advance their own interests.

Although it seems that we increasingly can't find ourselves in agreement on many things, too many things for that matter, one thing that is beyond dispute is that Charlie has embodied the ideal of the civil servant who tirelessly has served the interests of the American people.

I, like so many others, am proud to have served with him.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber on April 28, 2004. I would like the record to show that, had I been present, I would have voted ''no'' on rollcall vote 138.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. GERLACH. Mr. Speaker, on rollcall Vote Number 182 on passage of H.R. 3722, the Undocumented Alien Emergency Medical Assistance Amendments of 2004, I inadvertently voted ''yes'' when I fully intended to vote ''no.'' The rush of constituent meetings off the floor at the time of this vote caused confusion resulting in this erroneous vote.

FALLEN HEROES

SPEECH OF

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. KING of New York. Mr. Speaker, as Memorial Day approaches, today I rise to honor the many men and women who have died in the service to our great country. Throughout our nation's history, men and women have fought for freedom and democracy; not only here in the United States, but also around the world. These people have put themselves in harm's way and paid the ultimate sacrifice so that we can continue to live the lives that we do.

This year's anniversary has special meaning for two reasons. First, our country is again at

war with members of our armed services deployed to hot zones in Iraq and Afghanistan. While these two conflicts are challenging, we are committed to staying the course and assisting the new governments in creating democratic institutions. Second, the long overdue World War II Memorial will finally be dedicated this Saturday to honor arguably the ''greatest generation'' of Americans. This is a fitting tribute to the millions of veterans who served overseas as well as those civilians who worked on the home front.

At this time, I would like to make special mention of a constituent of mine who recently lost his life in Iraq. Marine Corporal Kevin T. Kolm of Hicksville died last month while serving in Operation Iraqi Freedom. Once again, I would like to offer my deepest sympathies to Kevin's family. There is nothing more honorable or praiseworthy than serving one's country. It is because of brave servicemen like Kevin Kolm that our country will remain free and proud.

MEMORIAL DAY 2004: HONORING THE MEN AND WOMEN OF OUR ARMED FORCES

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. CRENSHAW. Mr. Speaker, this past Memorial Day, as we paid tribute to the men and women who fought and died to preserve our freedoms in the past, our Nation is at war, and once again, members of our military are paying the ultimate sacrifice. This Memorial Day as we gathered in our towns to pay tributes to the sacrifices of those from past wars, we also remembered the burdens of the soldiers and sailors who followed in their footsteps and serve us today.

As in all battles, soldiers and sailors do not go to war to become heroes. They do not fight because they enjoy the heat of battle. They do not die because they do not love life. They go to war because we, as a Nation, ask them to go and because they are honorable. They go because they believe deeply in the cause of freedom, and they understand the evils of terrorism and the threats it presents to our independence. They die because their lives are taken from them on battlefields. Nevertheless, the loss of even one life weighs heavily on my heart and the heart of every American.

Operations Enduring Freedom and Iraqi Freedom have once again brought our young men and women to the front lines of battle. And, as in the past, at the core of America's military are the same type of men and women, who like their ancestors, have answered the call to arms. And like you, they will draw strength from those who served before them. On D-Day, General Dwight Eisenhower spoke to the troops and said, ''You are about to embark upon the great crusade toward which we have striven these many months. The eyes of the world are upon you. . . . I have full confidence in your courage, devotion to duty and skill in battle.'' These same words are as true today as they were on June 6, 1944.

This Memorial Day, as in the past, we gathered in cemeteries and in parks across America. In Washington, D.C., we dedicated the long overdue World War II Memorial. We read markers and inscriptions that pay honor to our brave patriots. But, the living commemoration for them is not etched in stone on walls or tombstones but in the hearts of free men and women.

To the men and women who have served our nation so well, thank you for all that you have done for our country, continue to do to rekindle the memories of those who are no longer with us, and the support you give to those who carry the burden this day.

PERSONAL EXPLANATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. WILSON of South Carolina. Mr. Speaker, on rollcall Nos. 147,148,149, 150, 151, and 152, on May 6, 2004, I was unable to cast my vote because I was attending my son's commissioning as a Second Lieutenant in the Army National Guard as well as his graduation at Clemson University.

Had I been present, I would have voted the following:

Rollcall 147, Ordering the Previous Question on Providing for Consideration on Deploring the Abuse of Persons in United States Custody in Iraq, I would have voted ''aye.''

Rollcall 148, the Motion to Instruct Conferees to authorize appropriations for the Coast Guard for Fiscal Year 2004, to amend various laws administered by the Coast Guard, and for other purposes, I would have voted ''aye.''

Rollcall 149, the Motion to Suspend the Rules and Agree on Expressing the sense of the House of Representatives regarding the urgent need for freedom, democratic reform, and international monitoring of elections, human rights, and religious liberty in the Lao People's Democratic Republic, I would have voted ''aye.''

Rollcall 150, on Agreeing to the Resolution on Deploring the Abuse of Persons in United States Custody in Iraq, I would have voted ''aye.''

Rollcall 151, the Motion to Suspend the Rules and Agree on Expressing the Sense of Congress regarding the arbitrary detention of Dr. Wang Bingzhang by the Government of the People's Republic of China and urging his immediate release, I would have voted ''aye.''

Rollcall 152, the Motion to Suspend the Rules and Agree on Expressing the Concern of Congress over Iran's development of the means to produce nuclear weapons, I would have voted ''aye.''

RETIREMENT OF BUDDY AND PAT DEAS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today to recognize the retirement of Buddy and Pat Deas. For over 35 years, Buddy taught students of all ages, and his wife Pat was by his side in the classroom during much of that time.

I had the great privilege of learning from Mr. Deas in my high school agriculture class. As a teacher, Mr. Deas always believed in ''focusing on the student rather than the subject being taught,'' and that ''while the subject matter is important, it is often the media through which we can teach those larger lessons of life.'' Buddy Deas emphasized the civic duties each of us has to our nation, and why it is important to always think of ways to help others.

Buddy also influenced me in many areas other than agriculture. In fact, he taught me about public speaking and parliamentary procedure. Without that early influence and knowledge, it is difficult to imagine where I would be today. As a mentor, he taught me how to use these skills; as a friend he taught me why I should use these skills to work for other people. Buddy transcended many areas of education as he coached state champion public speakers and state champion agriculture mechanics teams. He also encouraged others to take up teaching, and even supervised student teachers as they came into their new profession. Furthermore, he taught me other life skills that I continue to use today. Outside of my own parents and God, Buddy Deas had the single largest influence on me as a young man.

Mrs. Deas has been recognized on more than one occasion as an exceptional school volunteer. She and her husband worked exceptionally well together, not just as husband and wife, but also as teachers in the same classroom. In 1993, Alachua County, Florida, recognized Mrs. Deas as its Outstanding School Volunteer of the year. The very same year, she was named the Outstanding School Volunteer for the 19–county Crown Region of the State of Florida. Mrs. Deas was one of 15 school volunteers from around the state recognized at the Commissioner of Education's Outstanding School Volunteer Awards Banquet.

Mr. Speaker, on behalf of the United States Congress, I would like to congratulate and offer my sincere commendation to Buddy and Pat Deas for reaching out and touching the lives of thousands of our nation's young people.

TRIBUTE TO KATHLEEN HYNEMAN ELAM

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. TANNER. Mr. Speaker, I rise today to pay tribute to a remarkable woman, Kathleen Hyneman Elam, who will turn 90 on June 10th.

After graduation from high school in Corinth, Mississippi, Kathleen Hyneman moved to Washington, D.C. to work at the Treasury Department where she became a supervisor. She also met the love of her life while in Washington, Thomas French Elam. They were married in 1945 in Washington and later moved to Union City, Tennessee.

She and her husband, Colonel Tom, quickly became stalwarts of the community, encouraging businesses to move to the area. They were instrumental in getting the Goodyear Company to locate a plant in the area and it today remains one of the largest employers in Obion County. Kathleen was right by her husband's side in this endeavor, always ready to

entertain prospective business clients at a moment's notice.

Mrs. Elam is an active member of the First Christian Church of Union City. An avid gardener, she served as a member of the City Beautiful Committee for Union City. Her husband, Tom, died in 1998. During his life, Tom was a prominent supporter of the University of Tennessee. He served as a Trustee for the University as well as chairman of the Athletic Committee. After his death, Mrs. Elam continued his legacy of support to the University by serving on the UT Development Council and various other committees. Both she and her husband recognized the importance to West Tennessee of the University's campus at Martin and have made generous donations particularly in the area of capital improvements.

Mrs. Elam also supports St. Jude Children's Hospital, Le Bonheur Children's Hospital, Freed Hardeman University, Lexington Theological Seminary, the Masquerade Theatre of Union City and the Union City High School. As you can see, her philanthropic endeavors know no bounds.

One of her latest endeavors has been, along with Bill and Carol Latimer of Union City, to provide the building funds for a spectacular new library for Obion County.

While beset with health problems and confined to a wheelchair for the last few years, Kathleen Elam is still very much involved in her business endeavors and farming interests and can be seen almost on a daily basis surveying her concerns. A product of her rural roots and the great depression, Kathleen Elam is best known for her quick wit, grace, charm and unpretentious nature. She is definitely a shining example of the Greatest Generation, and a true asset to her community, her state and her country.

HONORING EDWARD L. WAYTULA

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. EMANUEL. Mr. Speaker, I rise to pay tribute to a heroic veteran of World War II, Mr. Edward L. Waytula, who at age 82 still devotes his time and continues to serve our country, most recently by participating in the Chicago World War II Veterans Anthology.

Technical Sergeant Edward L. Waytula served in the U.S. Army's Signal Corps with exceptional ingenuity, bravery and resolve. His diligence in the field helped keep supply lines open in the European theatre and throughout France.

Supplies were delivered to the general depot where Sergeant Waytula was stationed but without any precision or method of organization that could be easily or quickly extracted, as was so often needed to save American and Allied lives in the haste of war.

Among the many supplies that arrived at the depot were urgently needed components of mobile communications equipment. Under fire and tremendous pressure to meet time sensitive demands, Sergeant Waytula quickly sifted through the innumerable supplies.

Relying on sound instincts and a little good luck, he swiftly assembled this equipment vital to gathering and analysis of strategic intelligence under chain of command of General George S. Patton.

This is one story that Sergeant Waytula has shared with the Chicago World War II Veterans Anthology and the United States Library of Congress. Like so many members of "the greatest generation," Sergeant Waytula has rarely spoken of his memories of the war. I am therefore particularly grateful that he agreed to recount those experiences and for his efforts to encourage his fellow veterans to also share their recollections for the World War II Veterans Anthology.

As Memorial Day approaches, Mr. Speaker, and as we prepare to dedicate the National World War II Memorial in Washington, DC, I am privileged to pay tribute to retired Technical Sergeant Edward L. Waytula of the United States Army, one of our Nation's surviving World War II heroes and honored veterans. On behalf of a grateful Nation, we thank him for his contributions to the Chicago World War II Veterans Anthology, and more important, for his service and commitment to our Nation and the liberty we enjoy today.

IN HONOR OF THE 50TH ANNIVERSARY OF THE ARLINGTON COMMITTEE OF 100

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. MORAN. Mr. Speaker, it is with great pleasure that I congratulate the Arlington Committee of 100 on its 50th anniversary this year. With its monthly forums on citizen education and discussion of local and regional public affairs, the committee has helped keep the citizens of Arlington County informed of the issues confronting their community.

In 1954 the Arlington Committee of 100 was formed to help counteract the polarization that developed throughout the county between the new arrivals and the established business and professional people in the community after World War II. The founders hoped to improve the quality and level of communication that existed between Arlington County's diverse commmnities and neighborhoods. In the past, poor communication had often led to animosity and misinformation between neighbors. Seeking to turn conflict into constructive discussions, the Arlington Committee of 100 brought residents together in an atmosphere conducive for them to get to know each other as people with similar concerns, thoughts and ideas for Arlington County.

For the past 50 years, the Arlington Committee of 100 has brought these groups together for a dinner-forum session preceded by a social hour to create the right atmosphere and achieve the goal of thoughtful discussions of community concerns. The committee has come together to discuss issues such as the Arlington County budget, the environment, affordable housing, community safety, public education, transportation, economic development, the death penalty, and the arts. As a citizen education group, these discussions allow for the free exchange of ideas and discussion among its members without the committee ever taking an official position.

Currently, the Arlington Committee of 100 has more than 300 members and is constantly seeking to broaden its membership to reflect the ever increasing diversity found in Arlington County. Through the committee's forums people are able to share the concerns of their friends and neighbors and help the county achieve so many great things due to this diversity. The Arlington Committee of 100 has successfully built bridges across divisive issues and strengthened a community that stands ready to deal with the challenges of today and tomorrow.

I am very pleased to congratulate and commend the Arlington Committee of 100 for its 50 years of outstanding service in providing an educational forum for Arlington's residents to learn about and discuss the local and regional affairs of their community. I wish the Committee of 100 many more years of success and serve to Arlington's diverse and vibrant community.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. GREEN of Texas. Mr. Speaker, on Thursday May 13, 2004, I was unable to be present for the final two votes of the week, rollcall vote No. 175 on House Concurrent Resolution 414 and rollcall vote No. 176 on House Joint Resolution 91.

Had I been present, I would have voted "yea" on both rollcall No. 175 and No. 176.

I strongly support House Concurrent Resolution 414, which expresses the sense of Congress that all Americans are encouraged to observe the anniversary of Brown vs. Board of Education with a commitment to continuing and building on the legacy of Brown.

I also strongly support House Joint Resolution 91, which recognizes the 60th anniversary of the Servicemen's Readjustment Act of 1944, legislation which has been of great benefit to the Nation's men and women of the Armed Forces.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. MENENDEZ. Mr. Speaker, I rise to offer a personal explanation. On May 20, I was en route to my congressional district for official business during rollcall votes 208 and 209. Had I been present, I would have voted "yes" on rollcall vote 208 and "no" on rollcall vote 209.

200TH ANNIVERSARY OF THE BROWN FAMILY FARM IN ORLEANS COUNTY, NY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Ms. SLAUGHTER. Mr. Speaker, I rise today to commemorate the 200th anniversary of the Brown Family Farm in Waterport, NY, now know as Orchard Dale Fruit Farms and

Brown's Berry Patch. The survival of this family farm over two centuries is a remarkable store of passion and hard work.

In 1804, Elijah and Bathshua Brown bought a 100-acre farm along the Oak Orchard River, just south of Lake Ontario, in what is now Waterport, NY. While moving his family to their new home, Elijah died, and Bathshua was left to settle her five sons and seven daughters in the unbroken wilderness of Upstate New York. Elijah Jr., planted the first apple trees in the county, and thus the Brown Family Farm began.

Bathshua began to build what would become one of the most historic and celebrated farms in Upstate New York. Years before, during the Revolutionary War, the British pillaged and burned the Browns' first farm on Fisher Island, CT. During the War of 1812, British war ships again threatened the Brown family as they patrolled the shores of Lake Ontario. In a remarkable coincidence, the very same captain who had burned the Brown's first farm was captured on the shores of Oak Orchard River and brought to Bathshua, the area's matriarch, for judgment. She let him go with a warning never to return.

Leadership of the Brown Family Farm passed from generation to generation. In 1895, Brown descendants Harry and Pearl began growing fruit on the farm. At one point, the family was said to have the largest quince orchard in the world. In the 1940's, the family transitioned out of growing fresh fruit, and began selling apples, quince, cherries, pears and plums for processing. Around 1980, Robert Brown II and his wife Deborah again transitioned the farm back into one that produced fresh fruit for consumption. They planted strawberries, raspberries, and blueberries for people to come pick themselves.

Today, under the leadership of Robert II and Deborah Brown, and Eric and Margy Brown, Brown's Berry Patch is one of the most popular agritourist destinations in Western New York, and a highly successful direct marketer of fresh produce. In 2003, the North American Farmers Direct Marketing Association Conference chose Brown's Berry Patch as a Farm Direct Marketer of the Year Finalist.

Visitors to Brown's Berry Patch come away not only with fresh, nutritious produce, but with memories that will last a lifetime. In an age when so many family farms struggle to survive, it is gratifying to know that Brown's Berry Patch is thriving, continuing to provide Western New York with fresh fruit and a greater understanding of traditional American agriculture. I congratulate Brown's Berry Patch on their 200th anniversary, and for their dedication to promoting tourism and agriculture in Western New York.

RECOGNIZING LEONARD PITTS, JR. FOR BEING AWARDED THE 2004 PULITZER PRIZE IN JOURNALISM FOR COMMENTARY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to congratulate Mr. Leonard Pitts, Jr. of The Miami Herald, winner of the 2004 Pulitzer Prize in Journalism for Commentary. As a long-time fan of Mr. Pitts' work, I am delighted that he has been honored with this very prestigious award.

Leonard Pitts is a hugely talented writer with a sharp eye and a sharp wit. Newspaper readers in Miami and around the country who are fortunate to read his column would surely agree. Mr. Pitts' work is an important contribution to the social and political debate in America, and I am immensely grateful for his dedication to upholding the highest standard of his craft.

Formerly a pop music critic, Leonard Pitts was hired by The Miami Herald in 1991. By 1994 he was writing about race and current affairs in his own column. Syndicated nationally, Leonard Pitts 1999 book Becoming Dad: Black Men and the Journey to Fatherhood was a bestseller.

After the September 11 attacks on New York and Washington, D.C., Pitts' Herald column headlined ''We'll Go Forward From This Moment'' was widely circulated on the Internet and frequently quoted in the press. In the column, Pitts bluntly expressed his anger, defiance and resolve to an unnamed evil terrorist. He wrote, ''You monster. You beast. You unspeakable bastard.'' These words, which I remember reading the first time, expressed what so many of us were feeling at the moment and still feel today.

Mr. Speaker, I am pleased to share this moment with Leonard Pitts, Jr. and his family. On behalf of this body, I express my congratulations to him and wish him well.

HONORING THE VETERANS OF ST. PAUL'S HOUSE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. EMANUEL. Mr. Speaker, I rise to pay tribute to the veterans of World War II who now make their home at St. Paul's House and Health Center in Chicago.

Their wartime experiences are as varied as the paths they took following the war, but all remain united to defend the values that shape our identity as a nation: love of freedom and respect for human dignity.

Few members of ''greatest generation'' spoke about their wartime experiences without evoking painful physical and emotional recollections of the horrors of their experiences in World War II.

Still, in their seventies and eighties, the veterans of St. Paul's House are again demonstrating their heroism and commitment to this country by recounting these memories for the Chicago World War II Veterans Anthology and the United States Library of Congress.

As Memorial Day approaches and we prepare to dedicate the National World War II Memorial in our nation's capital, it is my honor and privilege to pay tribute to the each of St. Paul's World War II veterans—and their families—who proudly wore the uniform of their country, endured the rigors of the war, and fought for our liberty and the freedom of future generations of Americans:

Betty Barouski, Lawrence Bunge, Betty Bunge, Edward Bylica, Loraine Bylica, Milton Cohen, Leslie Cousins, Hilda Cousins, spouse, Harry DeCourres, Mildred Eiman, Margret Ehmann, Sima Eckma, Henry Faeth, Alice Faeth, Henry Grantschnig, Henry Kaster, John Lasser, Heinze Ledtje, Vladan Markovic, John Persson, William Prielozny, Fred Schubert, Frank Sontowski, Bruno Solback, Lydia Sollberger, Charles Tennent, George Wahl, Albert Wood, Lucille Wolf.

A TRIBUTE TO AMERICHOICE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. TOWNS. Mr. Speaker, I rise in honor of AmeriChoice for its ten years of quality health care services to the many residents of Brooklyn.

AmeriChoice began serving residents of Brooklyn in January 1994 as Managed Healthcare Systems (MHS), and today, it is a premier health plan available to beneficiaries of Medicaid, Medicare, the Child Health Plus Program and the State's Family Health Plus program.

AmeriChoice is one of the few for-profit companies that has long been and continues to remain committed to the vital public sector segment of the health care market. Currently, it serves more than 100,000 members with a staff of 170 dedicated employees.

In spite of its growing members, Americhoice has maintained a personalized focus to members' health care needs using the innovative Personal Care Model which extends beyond the traditional borders of health care to involve families, community organizations and government agencies in developing practical solutions which maintain the highest possible functional health status for members.

AmeriChoice has received a national HERA Award from the American Association of Health Plans which recognizes the significant work this health plan has done to increase the number of children receiving five or more comprehensive well-child visits with a physician during the first 15 months of life.

Mr. Speaker, AmeriChoice has been a valued organization of the Brooklyn community for ten years, serving as a premier health plan available to beneficiaries of Medicaid, Medicare, the Child Health Plus Program and the State's Family Health Plus program. As such, it is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this remarkable organization.

RECOGNIZING THE MARLA BENNETT ISRAEL DISCOVERY CENTER AND GARDEN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. WAXMAN. Mr. Speaker, I rise today to recognize the Marla Bennett Israel Discovery Center and Garden at the Shalom Institute Camp and Conference Center, home of Camp JCA Shalom, located in the beautiful Malibu mountains.

The Center will be dedicated on June 6, 2004 in honor of Marla Bennett, a remarkable

and vibrant young woman whose life was tragically taken on July 31, 2002 in the terrorist attack in the cafeteria at Hebrew University Mt. Scopus campus in Jerusalem.

Marla was a 24-year-old recent graduate of the University of California at Berkeley who was studying to obtain her masters' degree at Hebrew University. She was also training at the Pardes Institute to become a Jewish educator.

Marla was well-known to the Jewish community at Berkeley and was a familiar face at countless organizations, including Hillel and Bayit, the Jewish student cooperative of UC Berkeley.

Marla grew up at Camp JCA Shalom as a camper, counselor-in-training, counselor, unit head and, during the summer of 2001, the program director. During her time at Camp JCA Shalom, she touched the lives of thousands of campers and staff.

Her infectious personality and compassion for others will be memorialized in the Marla Bennett Israel Discovery Center and Garden this weekend. The Center is an interactive hands-on learning center that teaches about the land, history and people of Israel; the flora and fauna of modern and ancient Israel; the relationship between Judaism and the environment; environmental awareness and protection; Jewish traditions, thoughts and values; and organic gardening and farming.

During the summer, thousands of Camp JCA Shalom campers ages seven through 17 will have the opportunity to experience the Marla Bennett Israel Discovery Center and Garden. Throughout the year, the Center will be open to the community for field trips, weekend retreats and long-term educational studies.

The Marla Bennett Israel Discovery Center and Garden is housed at the Shalom Institute Camp and Conference Center. Nestled in a beautiful wooded canyon in the Malibu Mountains and only 45 minutes from downtown Los Angeles, the Shalom Institute provides campers of all ages positive Jewish experiences, a greater appreciation for the environment and lots of fun activities. From children to seniors, the Shalom Institute offers exciting programs throughout the year for campers of all ages.

The Marla Bennett Israel Discovery Center and Garden will be a welcome addition to the Shalom Institute and will serve to keep Marla's exuberant spirit and memory alive. I ask my colleagues to join me in the dedication of the Marla Bennett Israel Discovery Center and Garden.

ST. JOHNS RIVER VETERANS MEMORIAL BRIDGE

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. MICA. Mr. Speaker, on Memorial Day, May 31, 2004 a ceremony was held in Central Florida in commemoration of naming the new Interstate 4 bridge connecting Volusia and Seminole Counties as the ''St. Johns River Veterans Memorial Bridge''.

The designation of this structure, a principal transportation link, was made possible by action of the Florida Legislature; by an Act signed into law by Governor Jeb Bush on May 13, 2004; and by resolutions adopted by the Seminole County Commission and the Volusia County Council.

While it was my privilege to recommend naming the bridge in honor of all veterans who have served our Nation, I would like to express my appreciation—and that of all Florida veterans and citizens—to those State and local leaders who made this tribute to our veterans and special designation possible:

Governor Jeb Bush.

Members of the Florida Senate representing Seminole and Volusia Counties—Sen. Evelyn J. Lynn, Chair of the Volusia County Legislative Delegation; Sen. Lee Constantine; Sen. Anna P. Cowin; Sen. Anthony C. ''Tony'' Hill, Sr.; Sen. James E. ''Jim'' King, Jr.; Sen. Bill Posey; and Sen. Daniel Webster.

Members of the Florida House of Representatives representing Seminole And Volusia Counties—Rep. David Simmons, Chair of the Seminole County Legislative Delegation; Rep. Sandra ''Sandy'' Adams; Rep. Carey Baker; Rep. Joyce Cusack; Rep. Suzanne M. Kosmas; Rep. David J. Mealor; Rep. Pat Patterson; and Rep. Joe H. Pickens.

The Seminole County Commission—Chairman Daryl G. McLain and Commissioners Carlton D. Henley; Grant Maloy; Randall C. Morris and Dick Van Der Weide.

The Volusia County Council—Chairman Dwight Lewis and Council Members Joie Alexander; Frank Bruno, Jr.; Jack Hayman; Joe Jaynes; Bill Long and Patricia Northey.

Furthermore, I would like to recognize four families who lost loved ones in service to our Nation and who participated in the Memorial Day dedication ceremony. These eight individuals represented many other families and Americans who have made similar, great sacrifices:

Jesse and Arbutus Beall. Their son, Specialist 4 Charles Richard Beall, was killed in action in Kontum, South Vietnam on March 6, 1968 while serving in the United States Army.

Jim and Sandy Wetmore. Their son, Airman 1st Class Brian William McVeigh of the United States Air Force, was killed in a terrorst attack on the Khobar Towers Military Complex in Saudi Arabia on June 25, 1996.

Mrs. Jill Roberts and her son, Jacob. Jill's husband and Jacob's father, Corporal Robert D. Roberts of the United States Anny, died on November 22, 2003 while serving in Baghdad, Iraq.

Mrs. Minna Earnest and her son, Brian. Minna's husband and Brian's father, Commander Charles M. Earnest of the United States Navy, perished at sea during combat operations in North Vietnam on November 28, 1972, and Minna's son and Brian's brother, Charles Bradley Earnest, a member of the United States Army Special Forces, died on August 21, 1999 from injuries previously sustained during combat training.

Each day in Central Florida as tens of thousands of travelers cross the St. Johns River Veterans Memorial Bridge, they will be reminded of the price these and thousands of other veterans and their families have paid for the freedoms all Americans enjoy.

OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2004

SPEECH OF

HON. ROSA L. DELAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2004

Ms. DELAURO. Mr. Speaker, I rise in opposition to this legislation. The bills before us today do not merely amend or modernize the historic Occupational Safety and Health Act, which put in place critical workplace protections—rather, they undermine it.

One discourages OSHA from citing small employers who would otherwise be in violation of the law, while another weakens the ability of the Secretary of Labor to enforce those laws. Another allows this Administration to stack the OSHA commission for political purposes, while the last gives employers more leeway in challenging OSHA citations.

In every sense, these are blatantly anti-employee changes to existing law, intended to take power away from average working people and put it in the hands of employers in the hope that they will not abuse that power. All of this is being done under the guise of ''reducing red tape.''

But I suppose we should not be surprised. After all, this is merely another in a long line of anti-employee acts taken by this Administration and majority. First it was throwing out a decade of research that went into those carefully crafted ergonomics regulations—in a day, Republicans sent the American people a clear message that the corporate bottom line was more important than safety in the workplace. Then it was ramming through overtime rules that took away time-and-a-half pay for 8 million workers and endorsing the outsourcing of American jobs to other countries. Now they decimate a historic law to protect American workers from unsafe working conditions.

The American people are increasingly finding themselves at odds with this Administration and its reckless disregard for working people—and it is no wonder. To them, regulations that protect people in the workplace are, quote, ''red tape.''

Mr. Speaker, tell that to families of the 60,000 employees who die every year from job-related injuries or illnesses. Tell that to the 4.7 million people who are injured each year at work. Because legislation like this not only insults the work the people of this country do everyday—it reveals a total lack of appreciation for the people, the institutions and the values that built this country and made it great. Oppose these unfair, un-American bills.

CONGRATULATING BRUCE V. RAUNER OF CHICAGO

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. EMANUEL. Mr. Speaker, I rise today to congratulate my good friend Bruce V. Rauner of Chicago and the Rauner Family Foundation for being honored by the American Red Cross of Greater Chicago, which is awarding Bruce with its prestigious Humanitarian Award at the

Second Annual Hometown Heroes Awards breakfast.

The Chicago Red Cross Hometown Heroes Awards are presented to individuals ''whose actions went beyond the call of duty, and whose leadership and commitment made a significant difference to a person, cause or community.'' This year's special Humanitarian Award is being awarded for the ''critical support'' provided by Mr. Rauner and the Rauner Family Foundation ''for Chicago's education, health and youth development organizations.'' I applaud the Red Cross for its excellent selection of Bruce Rauner, one of Chicago's finest citizens, and a shining example of leadership and commitment to public service in our city.

Bruce Rauner's philanthropy benefits the entire Chicagoland area. In addition to supporting the Red Cross, Mr. Rauner has dedicated his time and resources to many other local non-profit organizations. Among them include his service on the board of The Chicago Public Education Fund, The Teacher's Academy of Mathematics and Science, The Ravinia Festival, The Golden Apple Foundation, The Academy for Urban School Leadership and the YMCA. The Rauner Family Foundation has also made generous contributions, to the YMCA of Metro Chicago and Pilsen, and the Chicago Public Education Fund.

Earlier this year, the Rauner Family Foundation donated $3 million for the construction of the American Red Cross of Greater Chicago's new state-of-the-art command center, which is designed to enhance disaster response capabilities for the entire state of Illinois. The new Rauner Center houses local Red Cross offices and the Illinois Emergency Management Agency to coordinate response in the event of a major disaster. The Rauner Foundation's generous contribution will go a long way toward helping establish this center as the model for the country of effective and life-saving disaster response.

Professionally, Mr. Rauner continues to be one of the leaders of Chicago's financial center. He currently serves as the Chairman of GTCR Golder Rauner, LLC, a $6 billion private equity and venture capitol firm in Chicago. Mr. Rauner joined GTCR in 1981 after working in strategic consulting with Bain and Company and in econometric analysis with Data Resources, Inc.

Before his impressive career was launched, Mr. Rauner graduated with top honors—from Dartmouth College Summa cum laude and Phi Beta Kappa and from Harvard Business School. He and his wife Diana live in Winnetka and are the parents of Elizabeth, Stephanie, Eric, Margaret, Matthew, and Katherine.

Mr. Speaker, on behalf of the people of the Fifth Congressional District of Illinois and indeed all of Chicago, I am privileged to congratulate Bruce V. Rauner and the Rauner Family Foundation for this impressive honor, and I applaud the American Red Cross of Greater Chicago for bestowing this celebrated award on such deserving recipients.

ON THE OCCASION OF MEMORIAL DAY

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. WEINER. Mr. Speaker, this Memorial Day we pay tribute to those who have given their lives in defense of our great Nation. The freedoms we enjoy here at home do not come cheap. They are paid for with the blood and treasure of true American heroes.

Today we reaffirm our commitment to the liberties they fought to defend. And we pledge never to forget their sacrifice.

This year, Memorial Day has a special poignancy. Here in Washington, veterans of the Second World War finally received the monument they so richly deserved. The World War Two Memorial dedicated on the National Mall provides a fitting tribute to a generation of young men and women who defended the United States against the specter of a tyranny as horrible as any the world has known. The 400,000 Americans who gave their lives in the European and Pacific theaters will never be forgotten.

In addition, this Memorial Day is special because it affords us an opportunity to honor the young men and women who are currently engaged in the War on Terror. Halfway around the world, a new generation has been called to battle. And like those that defeated our enemies in the 1940s, this new generation of Americans has faced the enemy with strength and determination. Almost 1,000 men and women have lost their lives in Iraq and Afghanistan. Those of us who enjoy the freedom they have sacrificed to defend should be immensely proud and eternally grateful.

This weekend, as we take a moment away from our normal routines, let us say a prayer and remember both those who have gone before us and those who continue to defend freedom from oppression. Our thoughts should be with those families that have lost loved ones in battle. And our thanks should go to all those who honor us by taking up arms to defend the United States.

God bless our men and women in uniform. And God Bless America.

STATEMENT OF ERIC ROSENTHAL, REPRESENTATIVE OF THE UNITED STATES INTERNATIONAL COUNCIL ON DISABILITIES (USCID) AND EXECUTIVE DIRECTOR OF MENTAL DISABILITY RIGHTS INTERNATIONAL, ON ''INTERNATIONAL DISABILITY RIGHTS: THE PROPOSED UN CONVENTION''

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. LANTOS. Mr. Speaker, on March 30th, the Congressional Human Rights Caucus held a groundbreaking Members' Briefing entitled, ''International Disability Rights: The Proposed UN Convention.'' This discussion of the global situation of people with disabilities was intended to help establish disability rights issues as an integral part of the general human rights discourse. The briefing brought together the human rights community and the disability rights community, and it raised awareness in Congress of the need to protect disability rights under international law to the same extent as other human rights through a binding UN convention on the rights of people with disabilities.

Our expert witnesses included Deputy Assistant Secretary of State Mark P. Lagon; the Permanent Representative of the Republic of Ecuador to the United Nations, Ambassador Luis Gallegos; the United Nations Director of the Division for Social Policy and Development in the Department of Economic and Social Affairs, Johan Schölvinck; the distinguished former Attorney General of the United States, former Under-Secretary General of the United Nations and former Governor of Pennsylvania, the Honorable Dick Thornburgh; the President of the National Organization on Disability (NOD), Alan A. Reich; Kathy Martinez, a member of the National Council on Disabilities (NCD); and a representative of the United States International Council on Disabilities (USCID) and Executive Director of Mental Disability Rights International, Eric Rosenthal.

As I had announced earlier, I intend to place the important statements of our witnesses in the CONGRESSIONAL RECORD, so that all of my colleagues may profit from their expertise, and I ask that the statement of Eric Rosenthal be placed at this point in the CONGRESSIONAL RECORD.

THE U.S. CONGRESSIONAL HUMAN RIGHTS CAUCUS: MEMBERS' BRIEFING ON THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Thank you very much, Mr. Chairman.

It is a great pleasure to be here for this historic occasion. I would like to thank Representative Lantos, the Congressional Human Rights Caucus, and the Disability Rights Caucus for making this possible.

I'm a member of the board of the U.S. International Council on Disability (USICD) and executive director of Mental Disability Rights International (MDRI). I have spent more than ten years in the field doing international human rights work for people with disabilities—documenting human rights abuses and training activists. There has been little recognition of the vast worldwide pattern of human rights abuses against people with disabilities that exists in the world today—either by the U.S. government or the United Nations. Thus, it is a great step forward to bring these concerns to public attention today. This hearing provides an invaluable opportunity to discuss what practical next steps the U.S. Government can take to bring long over-due attention to the rights of people with disabilities worldwide.

The most important leadership by a U.S. Agency, to date, has been the work of the U.S. National Council on Disability (NCD). Over the last few years, NCD has made an invaluable contribution to advancing discussion and action on international disability issues by convening International Watch, a group of experts and leaders in the U.S. disability community involved in international activities. In addition, NCD has brought attention to this issue by commissioning two important reports. In 2002, NCD commissioned Janet Lord of the Landmine Survivors Network to write a detailed legal and policy analysis of the need for a new UN disability rights convention. I recommend that report as essential background to today's discussion about the need for a UN convention.

In 2003, Professor Arlene Kanter and I had the honor of serving as consultants to NCD as authors of a report, Foreign Policy and Disability: Legislative Strategies and Civil Rights Protection to Ensure Inclusion of People with Disabilities. In this report, released at a U.S. Senate briefing on September 9th, 2003, NCD cites numerous reports over the last 10 years identifying the failure of U.S. foreign assistance programs to respond to the needs of people with disabilities. Not only have construction projects been inaccessible to people with disabilities but many programs have not been accessible to people with physical or mental disabilities. More broadly, there has not been a concerted effort to document, challenge, or overcome the vast problem of human rights abuses to which people with disabilities are subject worldwide.

NCD has called for the reform of U.S. foreign policy and foreign assistance to ensure the inclusion of people with disabilities in U.S. foreign policy, foreign assistance, and all U.S. government and its activities abroad.

If we stand for the human rights of people with disabilities, we must stand for it in our own actions as the U.S. government. We must ensure that U.S. funded assistance programs don't discriminate. Indeed, we must ensure that foreign assistance programs respond to needs and are fully inclusive of people with disabilities.

We have recently made tremendous progress in Congress. I would particularly like to acknowledge the work of Senator Tom Harkin who championed historic new legislation in the last session of Congress. The new legislation requires any construction funded by USAID around the world to be accessible to people with disabilities. It requires all U.S. programs in Afghanistan and Iraq to be accessible to people with disabilities, in conformity with USAID's Policy Paper on Disability. The most innovative new provision of legislation makes enforcement of disability rights a precondition for countries to receive funding under the new Millennium Challenge Account. By creating financial incentives for governments to take action on disablity rights, this law establishes a specialized tool of foreign policy that will help bring attention and pressure on governments to take action. In the spirit of the NCD report, it is my hope that MCA views this as more than a tool to use against governments. It should be viewed as a mandate to help governments, and non-governmental disability organizations around the world, to meet these human rights and disability rights goals. The NCD report calls on Congress to create a ''Fund for Inclusion,'' setting aside funds to support for the development of non-governmental disability rights organizations.

Turning now to the question: why a convention? In ten years, MDRI has documented human rights abuses against people with mental disabilities in 21 countries on three continents. I have seen untold human suffering in every country I have visited. I've seen people locked away for their whole lives in psychiatric hospitals, as well as institutions for people with developmental or other disabilities. I have seen children and I've seen grown men and women left naked, covered in their own feces. MDRI recently documented a situation in Paraguay where two boys were placed in an institution by family members unable to care for them at home without any form of governmental support. When the boys were placed in the institution they probably had some form of intellectual disability, but they wore clothing, they talked, they interacted with people around them. For at least four years, these boys were held naked in isolation with no clothes, no toilet, no place to sleep other than a mat the floor of a barren cell. They ate their food off the floor. According to doctors at the facility, they became psychotic as a result of the years of isolation and abuse. When we visited them, they could no longer speak. All they did was scream, howl, and grunt.

Their lives had been thrown away. The lives of 400 men and women in that same psychiatric facility have been thrown away. They live in isolation with little hope of returning to society. Many are denied basic medical care, much less the dignity of some privacy or their own clothing. In wealthier countries, people may be detained in clean institutions with new clothing. But their isolation from society and their pain at being denied human contact may be much the same. Does the international community speak out about these abuses? No. In almost every country of the world, you can find people relegated to the bleak, back wards of institutions—or abandoned on the streets. That same experience has been going on in many societies throughout the world. And the world has failed to speak out time and time again.

The U.S. administration has said that the proper way to deal with this is through domestic legislation, rather than international human rights legislation. I beg to differ on this point. As a matter of international law, there is a very important difference between matters of purely domestic concern and issues of international human rights. The international legal framework is built upon the notion of state sovereignty. Matters of social policy and of educational policy, are protected by state sovereignty. And a government may do what it will in that area. But the international community has come to realize there are certain principles of government practice that are not just matters of state sovereignty. When governments deny their citizens basic human dignity and autonomy, when they subject them to extremes of suffering, when they segregate them from society—we call these violations of fundamental human rights. And when a country sinks so low as to deny the fundamental rights of its citizen, the world will speak out. We will hold governments accountable for the most extreme abuses. That is why we need a convention. It's not enough to offer technical assistance on how to improve the law, we must hold governments accountable for their violations.

Based on my observations as a human rights investigator over the last ten years—and based on the near void of activity by established human rights oversight bodies—I believe that the abuses experienced by people with disabilities around the world are the greatest international human rights problem that goes unacknowledged in the world today.

There are at least 600 million people with disabilities in the world. How many thousands of people are segregated from society in closed psychiatric facilities? By the thousands, children and young adults with disabilities are placed in orphanages and other institutions. I have met families in Armenia, Turkey, Russia, and Mexico who were heartbroken about placing their child in an institution—or who were afraid that they might have to do so one day if they could no longer provide care. I have met adults with mental disabilities living a life of terror that they may be one day forced into an institution if they cannot keep it together to fend for themselves. I have met fathers, mothers, brothers, husbands, wives who wanted to keep a relative at home with them, but their governments do not provide services that will allow families to stay together in the community. Heart breaking as it is, parents are often forced to put their children in orphanages. These are not orphans. These are children orphaned by social and medical policy that say they're different and shouldn't have a chance to live as a part of society at large. Social policies that needlessly segregate people from society are a form of discrimination. Legal systems that do not protect against arbitrary detention permit ongoing violations of human rights.

These are just a few of the abuses that can be addressed by a disability rights convention. This is why we must commit ourselves to speaking out. We must make it a priority of our human rights agenda to end such intolerable abuses against people with disabilities everywhere.

This Congress has adopted legislation establishing that human rights will be the core of our foreign policy. We must ensure that this promise extends to people with disabilities. When governments strip whole groups of citizens of their rights because of a disability, when governments put people away, or when they allow them to die on the streets with no dignified form of assistance, those are human rights abuses. Challenging such abuses should becomes the core of our foreign policy.

In its last session, this Congress made invaluable steps in the right direction by revising our foreign assistance laws. Now let us explicitly recognize the concerns of people with disabilities as part of the pantheon of international human rights issues. I strongly encourage and appreciate the work of those members of Congress who have supported resolution 169. I call on all members to do the same.

I would like to leave you with one last thought. Over the years, I have personally encountered hundreds of children and adults, old men and old women who have spent most of their life behind bars. It is amazingly easy to write these people off as subhuman. As if they are already the walking dead. Yet I have also seen a glimpse of hope in their eyes. With the smallest amount of respect for their dignity, people come to life. The tiniest hint of a possibility that a man or woman might one day leave the institution can give that person a reason to go on living. What does it matter that people far across the waters care about them and their rights? It is a reason to go on living. Members of Congress, you have a chance to contribute to their reason for living. You have an ability to contribute to give them hope. In your careers, this may be one of the least costly and greatest opportunities to challenge abuses of hundreds of millions of people. Please take that action. Please support Resolution 169. And please support the U.N. Disability Rights Convention.

PAYING TRIBUTE TO JAMES C. MOORE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. McINNIS. Mr. Speaker, I rise today with a heavy heart after learning that Colorado has lost one of its truly great citizens. James Moore of Pueblo, Colorado recently passed away at age eighty-six. He spent his life serving those he loved, and James loved about everybody. As his community and family mourn his passing, I believe it appropriate to recognize the life of this exceptional man before this body of Congress and this nation.

James showed up everyday at his job as an insurance agent for Equitable Life Assurance

Agency with an infectious smile and a humble heart. It was no surprise when Equitable's agency managers' recognized James as their ''National Honor Agent'' for exemplifying excellence in professional achievement and community service from among the company's 7,500 member agency.

James' work throughout his life went far beyond the insurance industry. He answered his nation's call to duty, serving as a meteorologist in the U.S. Army Air Corps during World War II. His extensive involvement in the community included serving on the Parkview Episcopal Hospital's executive committee and as finance chairman of the campaign for the Fryingpan-Arkansas Project. He also served as financial planner for the Pueblo Regional Library, worked as an officer at the local YMCA, and served on University United Presbyterian Church's board of elders and building committee. He mentored those who would listen, gave money to those who asked, and loved those who needed a kind word.

Mr. Speaker, James Moore will be sorely missed, and although we grieve over the loss of this incredible individual, we take comfort in the lives he touched and the legacy he leaves behind. I say to his wife Mary, his son Jim, and daughter DeAnn, that I am truly honored to pay tribute to his life and memory today. He was a great person and a great American, he will be sorely missed.

FALLEN HEROES

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Ms. McCOLLUM. Mr. Speaker, it is with great reflection that I rise to recognize the hundreds of thousands of soldiers serving in our armed services today around the world, and to remember those who have made the ultimate sacrifice in the protection of our great country.

This has been a difficult year for many families in Minnesota, particularly those who have loved ones serving overseas in the armed forces. The wars in Iraq and Afghanistan and the global campaign against terrorism have required much of the American people and the sacrifices are significant. War has separated thousands of Americans from their loved ones. Many families have not seen their fathers and mothers, brothers and sisters, or friends and relatives for many months.

Today, the House rises in a moment of silence to recognize our fallen heroes. I would like to specifically mention the eight Minnesotans whose selfless acts of heroism in Iraq over the past year cost them their lives: Jim Herrgott, 20, of Shakopee; Brian Hellermann, 35, of Freeport; Dale Panchot, 26, of Northhome; Patrick Dorff, 32, of Buffalo; Matthew Milczark, 18, of Kettle River; Levi Angell, 20, of Cloquet; Moises Langhorst, 19, of Moose Lake; and Tyler Fey, 22, of Eden Prairie. Their service and their spirit live on in the memory of all Minnesotans.

This Memorial Day, I urge all Minnesotans to pause and remember those who have served our nation and those that continue to serve today. The debt of gratitude we owe these brave men and a woman is great and we must never forget their sacrifices for our freedom.

CAROL AND JERRY BERMAN'S 60TH ANNIVERSARY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mrs. McCARTHY of New York. Mr. Speaker, I rise to congratulate my friends Carol and Jerry Berman as they celebrate their sixtieth wedding anniversary. Carol Berman met Jerry Berman at the University of Michigan, in 1941. Their surname was the same. In 1943 they became engaged. Jerry enlisted in the Air Force, and Carol graduated from college. They were married in 1944 and after a brief honeymoon, Carol traveled with Jerry to thirteen different Air Force installations where he was an airman, and she worked on various newspapers and magazines.

After the war they returned to Ann Arbor where Jerry received his degree in mechanical engineering, thanks to the GI Bill, and Carol worked as an Editor. After a while they moved back to New York and set up housekeeping in Lynbrook, Long Island. Jerry worked as an engineer, and Carol worked for a public relations firm. Their daughter Elizabeth was born followed by their son, Charles. They then moved to their present home in Lawrence, Long Island

Carol devoted much of her time to the school, serving as President of two PTA's and then elected to the Lawrence-Cedarhurst Board of Education. While Carol was busy with this, Jerry, who now was in the family's insurance business, served in many capacities at his beloved Beth Sholom Synagogue, serving as Chairman of the Board for two terms.

Carol and Jerry also became politically active in the Democratic Party. Carol ran campaigns for many candidates and then the local offices for Assemblyman Eli Wager and Congressman Herbert Tenzer. She became a Vice Chair of the Nassau County Democratic Party. Carol was elected to the State Senate in 1978, serving for three terms, and is still the only Democrat elected to that body from a district solely in Nassau County. Her public service continued when she was appointed by Governor Cuomo to the State Division of Housing, to the Lobby Commission, and to the State Board of Elections, where she is still Commissioner.

Because of her political expertise, the community drafted her to head their fight against the SST Concorde landing at Kennedy Airport. That fight made history and just recently ended with the complete demise of the Concorde.

Terry was Democratic Leader of Lawrence-Cedarhurst, and President of the Five Towns Democratic Club, and was a close political associate of both Congressman Herbert Tenzer and Jim Scheuer. During the Vietnam War, he was appointed to the Draft Board, where he served for fifteen years. In that capacity, he accompanied Rabbi Edward Sandrow on a visit to General William Hershey, which resulted in a history making decision that enabled servicemen of other than the Quaker faith to claim Conscientious Objector status.

In addition, Jerry and Carol have donated much time to civic endeavors: among them the building of St. John's Hospital. They have been honored by the Hospital, UJA-Federation, Israel Bonds, Congregation Beth Sholom, the Five Towns Democratic Club, Cancer Care, Nassau County Democratic Party, the Village of Lawrence and Carol by NOW and The Nassau Coalition Against Domestic Violence, as well as many other civic associations.

The greatest joy and love in their lives are their children: Elizabeth married to David; and Charles, married to Lisa; and their beloved grandchildren, Sarah, Jeremy, Rebecca and Ben.

Jerry and Carol emulate the ideals of citizenship in our country, through their concern for others, their service to the community and active participation in our government. I wish to congratulate and thank my good friends, Carol and Jerry, for all that they have done for my district, their community, the State, our Country, and me.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. BECERRA. Mr. Speaker, on Tuesday, June 1, 2004, I was unable to cast my floor vote on rollcall Nos. 210, 211, and 212. The votes I missed include rollcall vote 210 on the Motion to Suspend the Rules and Agree to H. Con. Res. 295, Congratulating and saluting Focus: HOPE on its 35th anniversary; rollcall vote 211 on the Motion to Suspend the Rules and Agree, as Amended to H. Res. 612, Recognizing the firefighters, police, public servants, civilians, and private businesses who responded to the fire in Richmond, Virginia, on March 26, 2004; and rollcall vote 212 on the Motion to Suspend the Rules and Agree to H. Con. Res. 417, Honoring the Tuskegee Airmen.

Had I been present for the votes, I would have voted ''aye'' on rollcall votes 210, 211, and 212.

FALLEN HEROES

SPEECH OF

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Staff Sergeant Joseph Fales, a World War II veteran who gave his life fighting against tyranny so that we might live free.

In honor of Memorial Day, I had the pleasure of recognizing Staff Sergeant Fales for his heroism and bravery as a U.S. Soldier who fought in the Second World War until his death in October 1943.

Staff Sergeant Fales served in the Army Air Force and heroically performed the perilous job of a waist gunner aboard a B–17 bomber. His plane was shot down over the Adriatic Sea, and an American Hero was lost. Sergeant Fales was only 20 years old.

I had the honor of presenting his family with medals Joseph Fales earned during his service to our nation. They included the World War

II Victory Medal, the Honorable Service Lapel Button, the European Middle Eastern Campaign Medal with one bronze star, the Good Conduct Medal, the Air Medal and the Purple Heart, the oldest military decoration in the world more than 50 years overdue.

I am humbled by the courage and sacrifice of Joseph Fales. I am thankful for the gift of freedom that he fought to protect. We must never forget Joseph Fales and those soldiers who paid the ultimate price on our behalf.

PAYING TRIBUTE TO DAVID LORENZ

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. TANCREDO. Mr. Speaker, I would like to take a moment to recognize the importance of our community parks, and their caretakers. Often parks and cityscapes go overlooked during our busy days. However, keeping open spaces green, clean and well-kept is not an easy task. For this reason, I rise to pay tribute to David Lorenz for being awarded the 2003 Manager of the Year Award by the Special District Association of Colorado.

Mr. Lorenz has been the executive director of the South Suburban Park and Recreation District for the last 17 years. His accomplishments include overseeing the Goodson Recreation Center and the Sheridan Recreation Center. He has worked to preserve 3,000 acres of land for parks and open space, as well as a comprehensive 120 mile trail system used by walkers, joggers, and bicyclists.

David Lorenz has shown devotion to the community by maintaining and designing a variety of outdoor activities for the residents of South Suburban. He also received Honorable Mention in the Special Projects category for the ''Living Well'' initiative which helps to fight obesity in children and adults.

Mr. Lorenz' dedication, and the dedication of other caretakers, to the provision of recreation activities and the upkeep of our parks serve as a great benefit to all Americans.

PAYING TRIBUTE TO CAPTAIN ALAN L. TEBRINK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. MCINNIS. Mr. Speaker, to place your life in danger for the sake of others is an honorable and noble task, and that is exactly what police officers do regularly. Captain Alan TeBrink of the Colorado State Patrol will be retiring after twenty-five years of dedicated service, and I would like to take this opportunity to thank him for the important role that he has played in protecting and serving the people of Colorado.

Alan graduated from the Colorado State Patrol Academy in 1979, and was assigned to Telluride where he was the only state trooper stationed at that location. In 1983, he transferred to the Colorado State Patrol Academy and was a staff instructor for four years before being promoted to Sergeant and transferring to the Colorado Safety Institute serving as an instructor and supervisor. In 1989, Alan was reassigned as a first line supervisor for the newly created Hazardous Materials section where he was active in creating the emergency response and enforcement section, as well as developing training techniques for section personnel. Alan was promoted to the rank of Captain in 1994 and assigned to Troop 5A in Durango where his leadership and dedication earned him the admiration of his fellow troopers and community.

As a dedicated member of the Durango community, Alan is also well known for his civic participation. He is a referee for high school basketball games, and plans to continue as a referee for both basketball and football during his retirement. He is also active in the First Presbyterian Church, where he frequently teaches Sunday school and is and formerly served as church Elder.

Mr. Speaker, Captain Alan TeBrink acted with great commitment and leadership in all that he did throughout his career as a Colorado State Trooper. Alan never forgot that safety and protection came first and foremost for the people he served. It is my pleasure to recognize Alan before this body of Congress and this nation. I would like to extend my appreciation to him for everything that he has done and wish him the best in his future endeavors.

CHILD CREDIT PRESERVATION AND EXPANSION ACT OF 2004

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Ms. MCCOLLUM. Mr. Speaker, today the House considers H.R. 4359, to make the increase in the child tax credit permanent and expand it for taxpayers in the $110,000 to $300,000 range. Instead of taking responsible steps to make permanent a tax cut to help working families with children, this bill balloons our federal debt and gives thousands of dollars in extra tax breaks to the very wealthiest Americans.

Meanwhile, those who need help the most, low- to moderate-income working families with children, receive little benefit under this bill. And those at the very bottom get nothing. Even worse, this bill threatens middle-class families as the legislation fails to pay for these tax cuts—increasing record deficits that threaten economic growth, raise interest rates, and cost jobs.

I support middle-class tax cuts and the child tax credit, but middle-class families would be much better off if these tax cuts were paid for and targeted to those who need them most. I support the Democratic alternative which makes sure these tax cuts are paid for through 2010, increases the child tax credit for more than 31 million middle-income families with children, over 75 percent, currently receiving the credit, and provides the child tax credit to an additional 2.5 million working families, instead of showering more tax cuts on those who have already benefited under the Bush tax cuts.

HONORING FRANCIS (FRANK) A. DEMITA

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mrs. MCCARTHY of New York. Mr. Speaker, it is with great pleasure that I rise today to recognize Francis (Frank) A. DeMita on his retirement from the Board of Directors of the National Association of Federal Credit Unions (NAFCU). Mr. DeMita has devoted much of his life to the credit union, with more than 50 years' experience as a volunteer in the credit union community. There is no doubt in my mind that our good friends at NAFCU will feel a great void once Mr. DeMita departs.

Mr. DeMita's devotion to the credit union community was evidenced by his service as Chairman of the Board of the Nassau Educators Federal Credit Union for over 30 years. A retired teacher himself, Mr. DeMita has not only been active in the credit union movement, but also with many charitable organizations and causes on Long Island. For the last six years, Mr. DeMita has balanced his time as NAFCU Board Member in addition to his leadership at the Nassau Educators Federal Credit Union and in the Long Island community. However, one element has remained constant—Frank has always given selflessly of his time to promote and enhance the lives of credit union members in the great state of New York, as well as across the nation. But he also has remained committed to the educational background that he came from. Mr. DeMita helped start a scholarship program in 1990 that has awarded 75 scholarships every year since to outstanding high school seniors in Nassau County. To date, the program has provided over $300,000 to help these students attend college.

As a member of the NAFCU Board of Directors, Mr. DeMita worked tirelessly to enhance the federal credit union charter by working with Congress for regulatory relief legislation for credit unions. His work has helped maintain NAFCU's status as a leading credit union trade association.

Mr. Speaker, I congratulate Mr. Frank DeMita on all of his fine work throughout his illustrious tenure as a Board Member of NAFCU. I have worked with Mr. DeMita on issues that are important to the credit union community in the past and I am committed to continuing to do so. Congratulations on your retirement from the NAFCU Board, Mr. DeMita.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. BECERRA. Mr. Speaker, on Thursday, May 20, 2004, I was unavoidably detained, and unable to cast my floor vote on rollcall numbers 203 and 204. The votes I missed include rollcall vote 203 on the Tauscher Amendment to H.R. 4200, the Defense Authorization Act for FY 2005; and rollcall vote 204 on the Ryun (KS) amendment to H.R. 4200.

Had I been present for the votes, I would have voted "aye" on rollcall vote 203 and "nay" on rollcall vote 204.

FALLEN HEROES

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Sheldon Schulman, a Vietnam Veteran who gave his life fighting for our freedom and security.

In honor of Memorial Day, I had the pleasure of recognizing the late First Lieutenant Sheldon Schulman for his heroism and bravery as a U.S. Soldier who fought in the Vietnam War until his death on June 19, 1967.

Lieutenant Schulman served his country as an officer in the Army. He was killed as the result of a gun shot wound inflicted during a battle on the Mekong Delta. Also lost that day were three of his closest friends who had served with him since their days in Officer Candidate School. Lieutenant Schulman was only twenty four.

I had the honor of presenting his family with medals Lieutenant Schulman earned during his service to our nation. They included Silver Star, Bronze Star, the Good Conduct Medal, the National Defense Service Medal, the Vietnam Service Medal, the Republic of Vietnam Campaign Ribbon, the Sharp Shooter Badge and Rifle Bar, and two Marksman Badges, Machine Gun Bar, and Rifle Bar, as well as the Purple Heart, the oldest military decoration in the world.

I am humbled by the courage and sacrifice of First Lieutenant Sheldon Schulman. I am thankful for the gift of freedom that he fought to protect. We must never forget Sheldon Schulman and those soldiers who paid the ultimate price on our behalf.

PAYING TRIBUTE TO ANDY MCKEAN

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. TANCREDO. Mr. Speaker, I would like to take a moment to pay tribute to an individual who has worked tirelessly to bring awareness of our U.S. Constitution to both school children and adults alike, Andy McKean. Mr. McKean was awarded the 2004 Daughters of the American Revolution Medal of Honor for his efforts to educate children about our common heritage and founding documents.

Mr. McKean established a large summertime "Earning by Learning" program in Denver-area libraries to encourage young children to read more often. While visiting one of those libraries, Mr. McKean was shocked to learn that none of the children knew the true meaning of the Fourth of July.

Mr. McKean decided that the children of America ought to learn about the founding of our nation and system of government before the fifth grade, when most kids are first taught a course in American history. Mr. McKean became president and eloquent spokesman for Liberty Day, the nationwide educational organization.

Mr. Speaker, Andy McKean is a person who possesses dedication, commitment, and passion for his life long pursuit of educating young people and contributing to the betterment of America's youth. It is my distinct pleasure to honor Andy here today, and wish his all the best in him future endeavors.

PAYING TRIBUTE TO SHERI ROCHFORD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Sheri Rochford, a talented fundraiser and admissions councilor from Durango, Colorado. Sheri is a dedicated Fort Lewis College employee who has been helping to educate students in Colorado for twenty-six years. She is a benevolent and kind-hearted person who has been an asset to the Fort Lewis College community and I would like to join my colleagues here today in recognizing her tremendous service and dedication to higher education.

Sheri's association with Fort Lewis College began when she was working her way through school doing odd jobs in the business school and the president's office on campus. She attributes her enthusiasm and commitment to Fort Lewis as a result of the initial encouragement she received from a college administrator. Since 1978, Sheri has had many roles at the college including Dean of Admission and Alumni Development, and Dean of Development and Alumni Relations. She will now become the Director of Foundation relations.

Sheri has made a great contribution to Fort Lewis College that will inspire many future generations to pursue their education in Durango. During her tenure, she helped to almost double the college's enrollment, raised more than one million for the Alumni Association scholarships and communications programs, and played a key role in raising funds for both the Community Concert Hall and the Center of Southwest Studies. She is responsible for raising the Fort Lewis College Foundation's assets to more than 13 million dollars. Sheri is the past recipient of the Fort Lewis College outstanding Achievement Award, and the Durango Chamber of Commerce's prestigious Athena Award for outstanding women professionals. Sheri has also served on numerous national boards and councils for college admissions, the American College Testing Program, and collegiate records associations.

Mr. Speaker, Sheri Rochford is a devoted individual who is actively involved in the education of our next generation of leaders. Sheri has demonstrated a love for Fort Lewis College that resonates in her compassionate and selfless service to the University Community. Sheri's enthusiasm and commitment certainly deserve the recognition of this body of Congress and this nation. Congratulations on your new job Sheri, I wish you all the best in your future endeavors.

PAPERWORK AND REGULATORY IMPROVEMENTS ACT OF 2004

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 2004

The House in Committee of the Whole House on the State of the Union has under consideration the bill (H.R. 2432) to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes:

Ms. MCCOLLUM. Mr. Chairman, I rise today in opposition to H.R. 2432, the Paperwork and Regulatory Improvements Act of 2004. The paperwork and regulatory burdens on businesses could certainly use improvement. Unfortunately, this bill is actually an underhanded way to weaken important regulations that protect our clean air, clean water, public lands, and workplaces. This bill would diminish, rather than improve the process of developing federal regulations by elevating the interests of industries over all other considerations. This bill also fails to address real current problems in federal regulation, such as the pressure on agencies to misuse or ignore science for political ends.

I strongly support the Waxman-Tierney amendment to establish an independent commission on the politicization of science in the regulatory process. The amendment responds to a growing concern among scientists and the environmental community that the Bush administration is placing politics above science. Just last month the Bush administration issued a new policy that would allow hatchery-raised salmon in the Pacific Northwest to be included in wild salmon population counts, which could have a significant impact on whether or not the species are listed under the Endangered Species Act. It has been reported that this was done over the objection of an independent panel of scientists commissioned by National Marine Fisheries Service to advise them on the issue.

I am deeply disappointed that H.R. 2432 takes us in the wrong direction by advancing a misguided concept that elevates the interests of regulated industries over the health of our communities. I understand the burden that many businesses, especially small businesses, face in filling out government paperwork. This bill, however, is more about coming up with excuses to undermine vital health, safety, and environmental regulations than about relieving the growing paperwork burden.

HONORING TUSKEGEE AIRMEN AND THEIR CONTRIBUTION IN CREATING AN INTEGRATED UNITED STATES AIR FORCE

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to thank the Tuskegee Airmen for their service, sacrifice and dedication for our country during World War II.

The National Airman's Association, an organization comprised of African-American pilots,

along with then Senator Harry Truman worked to allow Black pilots to serve in the Civilian Pilot Training Program. This laid the foundation of the forming of the Tuskegee Airmen. The Tuskegee Airmen were the first African-American pilots in any military branch. Prior to their arrival blacks were continuously excluded from aviation training programs in the military. But they proved to be the equal of white pilots.

Under the command of Col. Benjamin O. Davis, Jr., who later became the Air Force's first Black General, the Tuskegee Airmen fought in the aerial war over North Africa, Sicily and Europe. Tuskegee pilots received hundreds of Air Medals, and more than 150 Distinguished Flying Crosses. More importantly, and most impressively, none of the bombers they escorted was lost to enemy fighters. Their lasting legacy of the Tuskegee Airmen is the desegregation of the Air Force.

By the end of the war, 992 men had graduated from pilot training at Tuskegee, 450 of whom were sent overseas for combat assignment. During the same period, approximately 150 lost their lives while in training or on combat flights.

When we remember the ''Greatest Generation'' and recall with appreciation the sacrifice they made to preserve our freedoms and guarantee our rights, we must include the Tuskegee Airmen. It is important to remember our history and they played a large part creating it. Without them it would have been more difficult for the United States, and our allies, to be victorious and because of this we owe them a large debt of gratitude.

SUMMARY OF OUACHITA/BLACK RIVER NAVIGATION SYSTEM FUNDING TESTIMONY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. ROSS. Mr. Speaker, I would like to submit the following for the RECORD.

SUMMARY OF TESTIMONY PRESENTED TO THE COMMITTEES ON AGRICULTURE, FORESTRY AND ECONOMIC DEVELOPMENT OF THE ARKANSAS LEGISLATURE AT CAMDEN, ARKANSAS, APRIL 29, 2004

(Prepared by the Arkansas Waterways Commission, 101 E. Capitol, Suite 370, Little Rock, AR 72201)

This summary provides a digest of testimony presented both verbally and in writing to the Committee on Agriculture, Forestry and Economic Development of the Arkansas Legislature. Although not a verbatim transcript, the summary is intended to faithfully represent the facts, statements and comments made during the hearing.

ECONOMIC CATASTROPHE

Catastrophic job loss and far reaching economic and environmental disruption to south Arkansas and northeast Louisiana will result from failure to fund Corps of Engineers' operations and maintenance of the Ouachita/Black River Navigation System. An approximately $8 million savings to the Army Corps of Engineers would result in a net loss in tax revenue to the federal treasury.

The above summarizes unanimous consensus of more than two dozen representatives of city, county and state government, business and industry who testified in support of continued funding of the Ouachita/Black River Navigation System during a meeting of the Arkansas Legislature's House and Senate Interim Committees on Agriculture, Forestry & Economic Development, April 29, 2004 in Camden, Ark. The hearing was attended by some 150 interested participants.

The 336-mile long Ouachita/Black River Navigation System that includes 117 miles in Arkansas, is facing a $8.2 million funding cut in the proposed 2005 budget that begins in October, 2004. The budget proposal of $1.9 million budget for recreation on the system will not only eliminate maintenance on the system's four locks and dams, two of which are in Arkansas, but will prohibit their operation, thus eliminating navigation on the waterway. This also puts many of the other economic, environmental and recreational activities supported by the river system in jeopardy.

The waterway was targeted for a budget cut because it falls into a category of waterway considered by the federal Office of Management and Budget as ''low-use.'' OMB considers waterways as low-use if cargo shipped on the system is less than 1 billion ton-miles annually. The Ouachita/Black River Navigation system had more than 800 million ton miles of usage in 2001. Other economic factors or benefits of waterways projects are not considered in the ''low use'' definition.

Representatives from private industry, river associations, municipalities in Arkansas and Louisiana as well as federal and state agencies presented concerns in terms of the industry and economic losses in light of two possible scenarios: if navigation on the system were discontinued or if the navigation pools created by the system locks and dams were not available. Environmental and recreational losses were also addressed.

A representative from Arkansas Governor Mike Huckabee's office and congressional staff members from the Arkansas delegation presented statements in support of continued funding of the waterway at current levels. Their concerns have been expressed to the President and appropriate committees in the U.S. Congress.

Consensus emerged on several key points:

The savings to the federal government by reducing funding on the Ouachita/Black River Navigation System would be far outweighed by the tax revenue lost.

Reduction in the funding of the river system has much broader consequences than simply the loss of navigation. The river has become a source of economic development, jobs, power and water supply as well as recreation. Considerable investments by private businesses and governments to harness the resources of the river were made with the assurances that it would continue to be available for use.

Before any decision to close or change the operation of the Ouachita/Black River Navigation System is made, a thorough study should be made to identify long term environmental, social, economic and hydraulic impacts.

The modern day history of the Ouachita River begins with settlements at Monroe, La. and Camden, Ark. in 1783. More than $700 million was invested in construction of the current four locks and dams.

Colonel Rick Clapp, commander of the U.S. Army Corps of Engineers, Vicksburg District, said the Vicksburg District is capable of using as much as $18 million annually on the river system for operations, and maintenance. Clapp said the district is evaluating possible reduced operation alternatives if the Ouachita River receives only the $1.9 million as proposed in the 2005 budget.

He anticipated that in that case, the lock gates would be shut and the locks would cease operation on October 1, 2004. The dam gates would be positioned and most of the project staff would be moved or furloughed. Minimum staff would remain for safety and security purposes. Clapp speculated that the 2 budget would be used for these minimum activities and to initiate a study that would identify long term environmental, social, economic and flood control impacts of project closure. No studies have been done on the impact of closing the Ouachita/Black River Navigation System.

Clapp said that if the project were put into caretaker status, meaning the locks closed and dam gates set with minimal maintenance performed, there could be deterioration on the project that could take significant funds to put it back into operation at a later date.

LOSS OF NAVIGATION

Closure of the locks on the river system would eliminate navigation and significantly affect the area's industry and economy.

Denny McConathy, owner of Cross Oil Refining in Smackover, Ark. testified that his company, in business since 1923, uses the river to bring oil via barge from Louisiana and Texas gulf coasts to make products that go into a variety of oils, adhesives, metal working fluids, rubber compounds and other materials.

Last year the company brought 79 barges of oil up the river and expects to bring up more than 100 barges this year. That oil is valued at more than $68 million. It would take more than 11,000 trucks to transport that volume- a task that would be physically and logistically impossible as well as economically prohibitive.

Cross Oil has more than 500 customers and projects 2004 sales of between $125–150 million. Cross Oil employs 125 people, has an annual payroll of $6.5 million and the majority of employees live within 25 miles of the plant. In 2003, the company paid property taxes of more then $350,000 to Union and Ouachita Counties. Of that, $290,000 funded the Smackover school system and more than $16,000 was paid to the city of Smackover.

Investments the company has made in its facilities were made with assurances that the Ouachita River would be available for use. Loss of the use of the river threatens the company's existence and the local economy. In 1995 the company invested more than $47 million in the refinery, packaging plant and river terminal and a $2 million expansion of the lube oil packaging plant that is underway with completion expected by July. Local companies performed all the expansion work. In addition, the company has 970 accounts payable vendors, most within 100 miles of the plant, who were paid approximately $100 million in 2003.

''Cross alone puts more money back into our government in the form of payroll taxes, employee income taxes, income taxes, etc., to more than pay for the costs of maintaining the navigation system,'' McConathy wrote in a letter to the Arkansas Waterways Commission.

Keith Garrison, executive director of the Arkansas Waterways Commission, said that waterborne transportation has a significant economic impact in Arkansas. A 2002 report by the Mack Blackwell Center for Rural Transportation concluded that waterborne transportation had an $811 million annual economic impact on the state. He emphasized the efficiency of barge transportation, pointing out that one barge can carry the equivalent of 60 semi-trucks or 15 freight cars. It would take an additional 40 million trucks on our nation's highways or 10 million rail cars to carry what is not carried on our inland waterways nationwide, he said.

Garrison said that cuts in funding to the Corps of Engineers budgets for navigation

maintenance have been going on for more than 12 years while there have been steadily increasing repair and maintenance needs on our nation's waterways.

With freight movements predicted to double to 12 billion tons by 2015, the use of the waterways will be even more important. More than 70 percent of freight currently moves by truck. Without increased use of our waterways, the U.S. would have to more than double the interstate highway miles available to meet that demand.

Paul Revis, executive director of the Ouachita River Valley Association, emphasized that the river's four locks and dams are critical to the operations on the river system. Maintenance work is 20 years behind schedule because of continued budget cuts to the Corps of Engineers. International competitors like Europe, China and Brazil have recognized the value of their inland waterways and are investing more money in them while the U.S. is cutting waterways budgets, making the U.S. less competitive. He said that benefits used for authorizing a project are frequently different from those needed to keep it open, referring to the impact the river has on industry and the economy in the area beyond its intended navigation benefits.

Doug McNeely of Bunge North America, said his company is part of the world's largest processor of grains and oil seeds. It operates in 19 states on the Mississippi River and its tributaries. Bunge employs 100 people at 13 facilities in Arkansas and 250 people in 14 locations in Louisiana. McNeely manages two grain elevators on the Ouachita River in Louisiana. These elevators purchase soybeans, corn, wheat, and sorghum from 400 local farmers. In a half-century of presence on the river, he said that the use of waterways to move grain has significantly increased farm income. McNeely said any decision by the federal government to abandon its investments in rivers like the Ouachita and Black will be immediately felt in the pocketbooks of local farmers and communities. His company estimates that loss of river transportation for the grain and soybeans shipped by these facilities would add transportation costs and decrease prices paid to farmers by approximately 14 cents per bushel. This could mean a loss to farmers of $1.4 million each year.

Greg Richardson of the Louisiana Port of Columbia, located about 25 miles south Monroe, La. on the Ouachita River, said public ports in Louisiana contribute $33 billion to state's economy each year and create 270,000 jobs. He said that the volume of tonnage has always been a problem on the Ouachita River system and that this funding battle is fought every year. Richardson emphasized the need to actively fund the river system to make it more user-friendly.

Ouachita Terminals is working to develop, construct and operate an intermodal/multimodal containerized cargo facility in West Monroe, Louisiana. With the continuance of the Ouachita's nine-foot navigation channel, Ouachita Terminals believes the facility has the potential to bring in enough cargo to end the future concerns over the ton mile criteria used for funding the river system.

In addition, representatives from Davidson Terminals and Sunshine Oil Company; Tressenderlo Davison Chemical LLC; Louisiana Oil Marketing Association; West Monroe, Louisiana Port; Placid Oil & Refinery; Valero Petroleum; Tensas Basin Levee District; and Petron, Inc. presented oral or written testimony outlining their concerns about the effects that would result from the inability to use the Ouachita River for navigation.

EXPECTED JOB LOSSES AND INCREASED COSTS

Tressenderlo said it would be a loss of 50 jobs and the jobs associated with $11 million spent on barge use.

Cross Oil, loss of 125 jobs, revenue to area including money paid in taxes and to outside vendors.

Estimated $1.4 million loss to farmers resulting from lower prices paid from Bunge.

Placid Oil, gasoline and fuel manufacturer, said closure of terminal on Black River in Archie, LA would cause prices to rise because oil would have to move by truck, increasing costs by $500 million and wear and tear on roads.

Velero Energy estimates fuel prices could rise up to 8 cents per gallon for consumers around the Monroe, LA area if terminal in Monroe is closed due to loss of navigation on Ouachita River.

The Tensas Basin Levee District in LA fears loss of navigation will mean bank destabilization, threatening 120 miles of flood control levees that would put many towns and citizens in danger with no identifiable source of revenue to fund bank stabilization projects and levee setbacks.

LOSS OF NAVIGATION POOLS

Closing of the Ouachita/Black River Navigation system presents not only a challenge for navigation, but also threatens industry and economic development as well as the economy of south Arkansas and northeast Louisiana. Although the system was built as a navigation project, over its more than 100-year history, the river's resources have been used to provide water to local communities as well as a benefit to industry. Any changes to how the river is operated and maintained has the potential to change the quality and quantity of pools of water formed between the locks. These pools of water have served as the life-blood of many cities and industries. In addition, without the ability to use the waters of the river, restrictions on the use of the ground water of the already-stressed Sparta Aquifer would have to be put into place to insure the area would have a viable water supply in the future.

Pete Parks, vice chairman of the El Dorado Water and Wastewater Commission and Ken Rudder, vice president of the Union County Water Conservation Board said El Dorado and Union County have invested $6.8 million over the last 5 years to develop the Ouachita River as an alternative water source other than the Sparta Aquifer. The aquifer, which currently provides potable water to areas along the Ouachita River and in Louisiana, is in a critical ground water area. Water from the Sparta Aquifer is being used faster than it can be replenished. The entire project will cost more than $67 million and area businesses have invested millions of dollars more in water conservation measures in addition to donations of land and right-of-ways for facilities. In addition, Union County is working on a multi-million project with several area companies to provide treated discharge water back into the Ouachita River. The great pools of water available now allow for dilution. If the water would have to be further treated to meet EPA and ADEQ standards, additional millions of dollars would have to be spent by El Dorado and Union County. This could possibly result in the closure of two El Dorado plants.

In deciding to use the Ouachita River for its water source, the Union County Water Board explored every other option to come up with a water supply. This included looking at creeks and hollows to build a dam to create a lake for water and it was not possible because the necessary water resources in that part of the state do not exist. The river was the best, most economical and viable source of water.

Georgia-Pacific Corporation, which operates seven facilities along the river in Arkansas, provides more than $2 billion to the economy of Arkansas along with more than 3,200 jobs. These plants and jobs would be threatened if Georgia-Pacific could not use the Ouachita River for its operations.

The Arkansas Electric Cooperatives use the Ouachita River to both run a power generating station near Camden and receive the fuel oil used at the facility.

The plant uses river water for power generation. The pool levels maintained as part of the navigation system are vital for allowing the plant to generate, especially during periods of low river flow and high temperatures, when electrical demand is peak. If the pool level were no longer maintained, the plant may be forced to discontinue operation during these periods due to operational concerns and environmental restraints. This would cause not only an impact on the electrical system in the area, but could result in a loss of jobs and a blow to the local economy.

Mark Bowles, environmental support manager for Entergy Services, Inc. said two Entergy power plants located in Monroe, LA rely heavily on a dependable water supply from the Ouachita River as cooling water for the power production process. The company's Sterlington plant uses its river intake system to take in approximately 1.5 million gallons of river water per day. Both plants were built along the Ouachita River in the 1950's and early 1960's with the belief that there would be an adequate and dependable supply of water to meet the area's electricity demands. The loss of pool elevation along the Ouachita River would require modifications to the intake facilities that would cost several million dollars at each plant. These costs would be passed along to ratepayers. The loss of minimum river levels would immediately cease operations at both plants and make future operations of these plants at a reasonable cost unlikely. Loss of these plants would impact Entergy's ability to provide low cost power to customers, especially during the peak electricity demand summer months.

John Terry of the U.S. Geological Survey, testified that the inability to use the water supply of the Ouachita/Black River Navigation System, would further endanger the Sparta Aquifer, the region's ground water supply that is already stressed.

Todd Fugitt, of the Arkansas Soil and Water Conservation Commission, testified that a budget cut in the operation and maintenance budget of the Ouachita/Black River Navigation Project would force the commission to consider water use permits and associated allocation of water from the river in south Arkansas. Budget cuts to the river system would threaten the growth and sustainable use goals of the surface water and ground water resources of all of southern Arkansas, and would impact Louisiana as well. If water from Ouachita River could not be diverted for use, the Commission would be forced to consider regulation of groundwater to bring areas like Union County within reasonable, sustainable water use scenarios. This would mean a reduction of about 64 percent of the current ground-water use in Union County.

James Tilley, manager of Camden Water Utilities, said that the city of Camden's only source of potable drinking water has been the pools of water created by the Ouachita/Black River Navigation System. If the river system was closed and the pool elevations change, Tilley said it would be highly likely that there would be periods during the year that Camden would be unable to provide water to its customers. In 2003, Camden drew about 900 million gallons of water out of the Ouachita River to supply 6,000 domestic customers and four water associations in the surrounding area. Recently, Camden has spent more than $11 million in upgrades to

the water system. The city has no alternative water source.

In addition, representatives from TECO/Union Power Station; Union County Water Board, El Dorado Chemical/Great Lakes Chemical/Lion Oil; International Paper; and the City of Monroe, LA presented oral or written testimony expressing their concerns about the effects to their businesses or cities if the navigation pools on the Ouachita River were not available for use.

EXPECTED RESULTS OF LOSS OF POOLS ON OUACHITA/BLACK RIVER NAVIGATION SYSTEM

Increased depletion of the Sparta Aquifer resulting in ground water restrictions for areas of south Arkansas and resulting economic impact of those restrictions.

The loss of millions of dollars already invested to develop the river as a water source for El Dorado and Union County and increased expenses to treat water being returned to river by industrial users to meet EPA and ADEQ standards.

Potential closure of three electric power plants serving the area along with increased costs to area consumers for electrical power.

Potential closure of seven paper products facilities located on the Ouachita River and elimination of as many as 3,200 jobs.

Potential loss of water supply for the city of Camden, AR and resulting undetermined costs of studying and developing an alternative water source.

ENVIRONMENTAL AND RECREATIONAL LOSSES

The precise dollar value of changes to the environmental and recreational climate of to south Arkansas if the Ouachita/Black River Navigation System is closed are difficult to calculate.

The Arkansas Game and Fish Commission believes the loss of the navigation pool on the Ouachita River would have far reaching environmental and recreational impacts. The river has a high recreational value and attracts hundreds of thousands of visitors each year for fishing, boating, hunting and other recreational activities. These visitors pour millions of recreation dollars into the local economy.

In Arkansas alone, there are 37 public access areas constructed by the U.S. Army Corps of Engineers, Arkansas Game and Fish Commission and other groups on the Ouachita and Saline Rivers. Changes in the operation of the lock and dam system would make many of the rivers' boat launching sites unusable. These changes will also affect the environmental characteristics of the river and associated wetlands and overflow areas.

The Arkansas Department of Parks and Tourism reports that in 2003, travelers in the five Arkansas Counties in the Lower Ouachita River Valley spent more than $118 million, generating more than $9 million in tax revenue to state and local governments.

SUMMARY

Closure of the Ouachita/Black River Navigation System would have a profound, far-reaching effect on the economy and environment of south Arkansas and northeast Louisiana. Although the system was built as a navigation project, its economic benefit has gone far beyond its value as a navigation system. The river has become the very lifeblood of many cities, industries and recreational pursuits. Its value to the environment and as a water resource supporting the continued growth and economic vitality of south Arkansas and northeast Louisiana is beyond measure. Operation of the navigation project should not be closed, nor should it be changed, without a comprehensive study of the consequences of such actions.

TRIBUTE TO DR. DOUGLAS P. ZIPES, M.D.

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. HILL. Mr. Speaker, I rise today to honor Douglas P. Zipes, M.D., Distinguished Professor of Medicine and of Pharmacology and Toxicology at the Indiana University School of Medicine. Dr. Zipes is retiring as Director of the Division of Cardiology and Director of the Krannert Institute of Cardiology at the Indiana University School of Medicine on June 30, 2004. Though not a native Hoosier, Dr. Zipes is a credit to his adopted state of Indiana and the institution to which he has devoted his professional life, Indiana University.

Dr. Zipes began his academic career at Indiana University School of Medicine in 1970. Despite many offers over the years to move to higher academic positions at other prestigious institutions, Dr. Zipes remained at Indiana University. There he developed the premier program dedicated to discovering the causes and treatments of heart rhythm disturbances, a leading cause of death in the United States and around the world.

The name Doug Zipes is known in every hospital and school of medicine in the world that deals with cardiovascular medicine. His research into heart rhythm disturbances has been prodigious. His publications of seminal original research in this area number in the hundreds. His breadth of knowledge in this arena, based on personal investigation and original research, is unsurpassed. His basic scientific evaluations have lead to clinical studies which have, in turn, been translated by Dr. Zipes into everyday therapies in clinical medicine. His work has saved the lives of countless individuals around the world.

Dr. Zipes has been honored across the globe for his contributions to cardiovascular medicine. He has delivered the most prestigious lectures, chaired the most important committees, edited the most-read and most authoritative textbook, advised governments and trained scores of physicians who now have assumed positions of authority in cardiovascular medicine.

Through all this, Doug Zipes remains a local physician, engaged in the community through his leadership in the Indianapolis Opera Company and other civic affairs.

He remains a physician most of all because, despite his debilitating schedule of publication deadlines, national and international travel, lectures, committee attendance, administrative details and the like, he regularly insists on attending to patients for whom he has cared for decades.

Dr. Zipes is a national and international treasure for whom the country and the world should rise and applaud. I speak for all Hoosiers when I wish him the best in his future endeavors and thank him for his contributions to the art and science of medicine, the State of Indiana and the world.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. ABERCROMBIE. Mr. Speaker, on Tuesday, June 1, 2004, I was necessarily and unavoidably unable to cast my vote. Had I been present, I would have voted as follows:

Rollcall 210—House Con. Res. 295, congratulating the Focus: HOPE organization, "yes."

Rollcall 211—House Con. Res. 612 recognizing and honoring those fighting the March 26, 2004, fire in Richmond, VA, "yes."

Rollcall 212—House Con. Res. 147 honoring the Tuskegee Airmen, "yes."

PAYING TRIBUTE TO JOSEPH REISER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. MCINNIS. Mr. Speaker, it is a privilege to rise and pay tribute today to Joseph Reiser of Arvada, Colorado. A true American patriot, Joe is a decorated veteran of World War II. The service and dedication that Joe has displayed in his commitment to our nation is truly remarkable, and it is my honor to recognize his achievements here today.

A native of Pennsylvania, Joe entered the Army in 1943, and with a background in maintenance, served as an automotive mechanic. In 1944 Joe was sent to Normandy and served in the European Theatre until the end of the war. His courageous service earned him numerous awards and citations, including the Purple Heart, Good Conduct Medal, and European African Middle Eastern Service Medal with five Bronze Stars. After Joe returned from the war, he took a position with the United States Postal Service, becoming Postal Supervisor for the Wyoming Valley Post Office Maintenance Garage.

Mr. Speaker, I am honored to pay tribute to the service and dedication of Joseph Reiser before this body of Congress and this nation. The freedoms we enjoy today are a direct result of the sacrifices made by veterans throughout our nation. I sincerely thank him for his dedication, and wish him and his wife Clara all the best.

FALLEN HEROES

SPEECH OF

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. DELAY. Mr. Speaker, Memorial Day this year has new, sharp meaning for us, as we remember the deaths of the American soldiers who have so recently given their lives for our freedom. By the grace of God, no soldier from my district has died in Iraq or Afghanistan, but I join the whole Nation in mourning the men and women who have given their lives in Operation Iraqi Freedom and Operation Enduring

Freedom. These service men and women join the ranks of those we remember this Memorial Day—those who have died defending America, who have ''fallen in the cause of the free'' since the founding of our Nation.

These heroes were lowly privates and bemedaled generals. They were green volunteers and gray veterans. They were minute men and Navy seals. But the men who died at Lexington and Concord are the same as the men who died at Kandahar and Fallujah—men of dauntless courage, united in their love of country and their supreme self-denial.

Uniforms and weapons change; valor does not.

The men and women who have died defending America have kept our homes and our liberties secure for the past 228 years. More than that, they have held out to the whole world the promise that a nation conceived in liberty and dedicated to the equality of all men can indeed endure. They have preserved the fire of liberty not just for America, but for all men. We owe them a debt we cannot hope to pay, least of all with mere words.

Memorial Day is set aside for us to remember. But this day should not just be a day of remembrance, but a day of resolve. The memory of their sacrifice should inspire in us a firm purpose to live our lives in a way that will honor the heroes who have died for us—to emulate their courage in defense of the right and their devotion to the cause of liberty. We cannot honor the memory of our heroes with words alone; rather, we must honor them with actions worthy of their memory.

Today we offer our gratitude to the men and women of the U.S. Armed Forces who have fallen defending our nation. We thank them for protecting us, but most of all we thank them for reminding us, in the midst of a world torn by ugliness and war and pain, of the highest things—of duty, honor, courage, sacrifice, and love. We thank them for reminding us, even when ''the machinations of tyranny'' stare us in the face, ''that a man can stand up.''

FALLEN HEROES

SPEECH OF

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mrs. MYRICK. Mr. Speaker, on March 11, 2004, Charlotte, NC, lost a hero, Chris Hill. Chris was originally from California, but located to Charlotte in recent years. He had already served four years in the Army when he decided to re-enlist. His wife, Cheryl Hill, said Chris was determined to go to Iraq last year: ''He just couldn't stand the fact that this was going on and he wasn't doing anything about it,'' she said. ''He wanted to help.''

Chris re-enlisted in April and went to Iraq in the fall. He was assigned to the 1st Infantry Division based in Ft. Riley, Kansas. Chris' friends and family will remember a man who was outgoing and fun and loved to sing. He even had his own karaoke machine, and he never turned down a chance to imitate Elvis Presley.

After moving to North Carolina to be near his wife's family, Chris was saved in a Baptist church. His brother-in-law, Rick Cope, a Christian songwriter, has written a song for his niece called ''Praying for You: Cierra's Song.'' Rick said, ''(We) wanted his daughter to know that he's there when she rides her bike. He's there when she gets married. He's there in spirit.''

Christopher Kenneth Hill was buried with full military honors. He was awarded a Purple Heart and Bronze Star for bravery. He was survived by his wife, and his daughter Cierra who is 14 months old.

Chris will be missed, but we will never forget his sacrifice for our freedoms.

TRIBUTE TO FAYETTEVILLE-MANLIUS HIGH SCHOOL'S SCIENCE OLYMPIAD TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. WALSH. Mr. Speaker, I rise today in tribute to Fayetteville-Manlius High School's Science Olympiad Team which won first place in the national Science Olympiad Tournament.

The team won the regional and the New York State competitions to qualify for the national level where they competed against 53 other teams from the United States. At the tournament, there were 23 events related to science with medals given to the top five winners in each event. The Fayetteville-Manlius team brought home four Gold medals, five Silvers, one Bronze, one 4th place and two 5th places from the national competition, a truly exceptional accomplishment.

The Fayetteville-Manlius team is comprised of 15 members and coached by Jamie Cucinotta. Team captain Jeff Izant led Brian Bayes, Christine Chin, Mary Collins, Grayson Fahrner, Leyla Isik, David Marsh, Jordan Mandel, Samiksha Nayak, Shriddha Nayak, Sarah Rahaman, Zaki Rahaman, Brian Stoeckel, Biance Verma, and Nora Ward in representing Fayetteville-Manlius so successfully at the tournament.

I would like to express my congratulations to the team for such an outstanding achievement and wish them luck in all their future endeavors.

HEALTH, SAFETY, AND SECURITY OF PEACE CORPS VOLUNTEERS ACT OF 2004

SPEECH OF

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mr. HYDE. Mr. Speaker, I submit for the RECORD an exchange of letters between Chairman DAVIS and me concerning committee jurisdiction with regards to the bill H.R. 4060.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, May 10, 2004.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On March 31, 2004, the Committee on International Relations ordered reported H.R. 4060, the ''Health, Safety, and Security of Peace Corps Volunteers Act of 2004.'' As you know, the Committee on Government Reform was granted an additional referral upon the bill's introduction pursuant to the Committee's jurisdiction under Rule X of the Rules of the House of Representatives.

Because of your willingness to consult with this Committee, and because of your desire to move this legislation expeditiously as an individual bill, I will waive consideration of the bill by this Committee. By agreeing to waive its consideration of the bill, the Committee does not waive its jurisdiction over H.R. 4060. In addition, the Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request for conferees by the Committee on H.R. 4060 or related legislation.

I request that you include this letter and your response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM DAVIS,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, May 11, 2004.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, Rayburn House Office Building, Washington, DC.

DEAR TOM: On March 31, 2004, the Committee on International Relations ordered reported legislation to promote the improved safety and security of Peace Corps volunteers.

H.R. 4060, the ''Health, Safety and Security of Peace Corps Volunteers Act of 2004,'' will make a number of important reforms related to volunteer safety and security through amendments to the Peace Corps Act of 1961 (22 U.S.C. 2506) and the Inspector General Act of 1978 (5 U.S.C. App.). As you are aware, amendments to the latter are under rule X of your Committee's jurisdiction, X jurisdiction, and accordingly, H.R. 4060 was additionally referred to your Committee by the Speaker.

By this letter, I request you permit this legislation to go to the floor without the necessity of your Committee's marking it up. I understand that by waiving your Committee's consideration of H.R. 4060 in order to allow it to proceed to the floor vote without delay, you do not waive jurisdiction over the subject matter contained in the bill, and I will urge the Speaker to name Members of your Committee to any conference committee which may be convened on this legislation.

I appreciate the cooperative manner in which our Committees have worked on this matter.

Thank you for your assistance.

Sincerely,

HENRY J. HYDE,
Chairman.

PAYING TRIBUTE TO JAY LOFING

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Jay

Lofing and thank him for his dedication to Colorado as a member of the Otero County Road and Bridge Crew. For thirty-one years, Jay worked as a heavy equipment operator and road foreman for the county. As Jay celebrates his retirement, I would like to join my colleagues here today in recognizing his tremendous service to Otero County and the State of Colorado.

In 1973, Jay was hired as a heavy equipment operator by Otero County, and in 1994 became road foreman of the Road and Bridge Crew. When he first began working on the crew, he had to work completely exposed to the elements. With technological advancements, operators now get to work in air-conditioned cabs, sheltered from the weather. As much as Jay enjoyed his recent position as road foreman, he really took great pleasure in operating the heavy equipment. Now that Jay is retired, he plans on traveling with his wife Linda and spending lots of time with their granddaughter Kelly.

Mr. Speaker, I am honored to bring the career and service of Jay Lofing to the attention of this body of Congress and this nation, and I would like to congratulate him on an outstanding career. His tireless work and leadership have helped ensure the safety of our roadways, and I wish him and Linda the best in their future endeavors.

THE PRICE OF GIVING BAD ADVICE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Ms. LOFGREN. Mr. Speaker, William A. Whitlow is a retired major general in the Marine Corps. During his service to our nation, he served as director of the expeditionary warfare division in the office of the deputy chief of naval operations. He wrote a compelling and informative opinion piece, which appeared in last Sunday's Washington Post. In the piece, Mr. Whitlow discusses the dismal situation in Iraq, and the poor counsel the president received from his advisors leading up to the conflict.

I ask unanimous consent that this piece appear in the CONGRESSIONAL RECORD and I encourage all of my colleagues to read it.

[From the Washington Post, May 30, 2004]

THE PRICE OF GIVING BAD ADVICE

(By William A. Whitlow)

As the war in Iraq drags on, conservative citizens, mostly Republican, face a growing dilemma in the November election.

In the face of growing evidence that the president was deceived and misguided about the cause and urgency for waging war on Saddam Hussein, it is time for those responsible to stand forth and accept accountability. True, the president is ultimately responsible for the actions of his vice president, his Cabinet and the executive departments. But it has become clear that the counsel the president received from the vice president, secretary of defense, deputy secretary of defense and senior uniformed leadership was severely flawed and uncorroborated. Whether the president was intentionally misled by neoconservatives or whether their advice was a result of pure incompetence remains to be seen. The fact is that he was misled sufficiently to require him to take bold action to restore his diminished credibility.

The supposedly urgent need to attack Iraq was based partly on inflated, creative intelligence information, some of which originated with Ahmed Chalabi, an associate of the vice president and deputy secretary of defense. The information from Chalabi led the vice president and defense secretary to believe that war with Iraq would be a ''cakewalk'' and U.S. forces would be received with open arms. This belief resulted in a fatal flaw in developing a complete war strategy. A principal tenet of forming a strategy—have a ''war termination'' phase—was neglected. Although the tactical and operational phases of the war were conducted flawlessly by superior field commanders, the absence of a complete strategy has needlessly cost lives.

Our service members are the ultimate victims of this incomplete strategy, misguided policy and false intelligence. It is inconceivable and derelict not to have a viable war termination strategy for an operation as complex as a major theater war. America's citizens and our service members deserve far better for their sacrifices. This combination of things—misleading the president with false intelligence and omitting a principal element from our war strategy—is reason enough to seek change in the vice presidency and senior defense leadership, civilian and military.

It is our patriotic duty to speak out when egregiously flawed policies and strategies needlessly cost American lives. It is time for the president to ask those responsible for the flawed Iraqi policy—civilian and military—to resign from public service. Absent such a change in the current administration, many of us will be forced to choose a presidential candidate whose domestic policies we may not like but who understands firsthand the effects of flawed policies and incompetent military strategies and who fully comprehends the price.

RECOGNIZING JARED PAUL SALESKI FOR ACHIEVING THE AWARD OF GOLD MEDAL OF ACHIEVEMENT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jared Saleski, son of Paul and Elizabeth Saleski, a fine young man who has exemplified the optimum qualities of citizenship and leadership by actively participating in the Boy Scouts of America and earning the most prestigious award, the Eagle Scout. He is scheduled for his Eagle Court of Honor on May 25, 2004.

Jared has been very active with his troop from the age of six, participating in many Scout activities. In that time, he has held numerous leadership positions, serving as Patrol Leader, Den Chief, Troop Guide, and Assistant Senior Patrol Leader. He progressed through the rank of Tenderfoot Second Class, First Class, Star, and Life. Jared has earned forty-one merit badges in his career with the Boy Scouts. Besides these achievements, he has earned the religious emblems presented from the Catholic Church of Ad Altare Dei and Pope Pius VI. Jared is a Brotherhood member of the Order of the Arrow, Chapter Seven and a Fire-Starter member of the Tribe of Mic-O-Say. He has attended camp at Camp Naish and six sessions at the H. Roe Bartle Scout Reservation in Osceola, Missouri, as well as a Packard High Adventure Camp in Salida, Colorado. Jared's Eagle Scout Project was to construct a concrete driving slab for the barn at the Immacolata Manor Home for women in Liberty, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Jared Paul Saleski for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF THE McMANUS DEMOCRATIC ASSOCIATION AND ITS HONOREE, BRIAN O'DWYER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of Brian O'Dwyer, who on May 24, 2004 will be honored at the McManus Democratic Association's Annual Spring Cocktail Party. I am very pleased to offer my warmest congratulations to both the McManus Association, for another year of outstanding service to New York City residents, and to Mr. O'Dwyer, who has long been a leader in the New York community.

The McManus family has been a fixture of New York City politics for more than one hundred years. For the past three decades, the leader of the McManus Democratic Association, James McManus, has been an advocate, ombudsman and friend to residents of midtown Manhattan. The Association, an active social-service organization, helps its members to find jobs, housing, educational opportunities and better medical care, and continually strives to promote the interests of working-class New Yorkers through collective action. The Association has also made a longstanding commitment to young New Yorkers, introducing students to the political process and to government service. I commend the McManus Association for its tireless efforts on behalf of midtown residents; time and again, the Association exemplifies the notion that we work best when we work together.

Like Jim McManus, Brian O'Dwyer is also part of a long and proud tradition in New York political life. Mr. McManus's father, Paul, served as New York City Council President from 1974 to 1978, and his uncle, William O'Dwyer, was the Mayor of New York City from 1946 to 1950. Mr. O'Dwyer currently serves as senior partner in the law firm of O'Dwyer & Bernstien, a firm known for its work in labor law, personal injury cases and civil rights litigation.

Mr. O'Dwyer has never forgotten his roots as a descendant of Irish immigrants and has steadfastly worked to promote the rights and well-being of new Americans, regardless of their country of origin. In 1995, Mr. O'Dwyer, serving as the Chair of the Board of Directors of the Emerald Isle Immigration Center, accompanied President Bill Clinton on his historic trip to Ireland. He has also served as Counsel to the Department of Community Affairs of the Commonwealth of Puerto Rico, and was recognized by the Governor of Puerto Rico for his efforts on behalf of the Puerto

Rican people. Brian O'Dwyer is the recipient of the Ellis Island Medal of Honor Award, the Outreach Project Annual Service Award, the New York City Council Spirit of New York Award and, in July 2000, was named a Knight of the Holy Sepulchre by Edward Cardinal Egan of New York.

Mr. Speaker, I request that my colleagues join me in paying tribute to Brian O'Dwyer and the McManus Democratic Association. To Mr. O'Dwyer and the dedicated professionals, volunteers and friends of the McManus Association, I offer my continuing admiration, respect and support.

RECOGNIZING ALBERT RICHARDS, CAIRON AUSTIN-HILL, AND MARQUAY WRIGHT FOR EXTINGUISHING A FIRE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize three remarkable young men from my district.

Albert Richards, 14, Cairon Austin-Hill, 14 and Marquay Wright, 12, were walking to school in April 2004, when they noticed a fire burning in an empty field. With no thought for their own safety, they raced over and stamped out the blaze before it could cause any injuries or property damage. Their quick thinking may have averted a major disaster.

As we so often hear about the bad things young people do, it was refreshing and, indeed, encouraging to learn of Albert's, Cairon's and Marquay's actions. These young "firefighters" are examples of the best of America's young people. Their bravery and selflessness are very laudable qualities in people of any age, especially children. I am very pleased to have such fine young men living in my district.

TRIBUTE TO THE 2004 ALL-AMERICAN BOY AND GIRL PROGRAM PARTICIPANTS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the students in the Third Congressional District of Illinois who participated in the All-American Boy and Girl Award Program. I am proud to report that eighty remarkable students from schools located on the southwest side of Chicago were recognized for their achievements.

I started this program in the late 1960's when I was a Recreation Supervisor for the Chicago Park District. After over thirty successful years, this program is still the cornerstone of my efforts to identify and recognize young men and women who get involved in their community while excelling in the classroom and participating in extracurricular activities.

The All-American Boy and Girl Program recognizes 7th and 8th grade students who live and attend school in the Third Congressional District of Illinois. The final award winners are selected by a panel of judges comprised of local community leaders, teachers and elected officials.

I would like to pay special tribute to the winners who were announced at a ceremony held on May 7, 2004. Third place was awarded to Emily Masek, Steve Rosenbaum, Eilis Fagan and Robert Edstrom. Second place went to Amanda Meza, Tom Costello, Jessica Jurevis and Jonathan Braun. Finally, first place was awarded to Christine Marie Molina, Damien Fox, Brooke Borowiak, and Andrew Jarzebek.

Mr. Speaker, I congratulate the 2004 All American Boy and Girl Award winners and participants on their academic and leadership achievements, and extend to them my best wishes for much success in the future.

PAYING TRIBUTE TO MAGGIE CAMPBELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise before you to pay tribute to a remarkable woman from my district. Maggie Campbell of Montrose, Colorado has dedicated the last thirty-two years working for the Montrose County School District, and I would like to take this opportunity to recognize her commitment to the Montrose community before this body of Congress and this nation today.

During her career reviewing lunch forms and paying the bills for the schools in her district, Maggie has seen nine superintendents pass through the school district. While Maggie understands that it is unusual to stay in the same position for an entire career, she has the pride of seeing her office grow from the ground up.

Mr. Speaker, it is with great pride that I rise before this body of Congress to pay tribute to Maggie Campbell. Maggie has demonstrated a tremendous commitment to Colorado's youth in her service to the school system and the community of Montrose. Maggie will be sorely missed and I wish her all the best in her retirement. Thank you for your service Maggie, and good luck in your future endeavors.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. OWENS. Mr. Speaker, yesterday I was unavoidably absent and missed rollcall votes No. 210, No. 211 and No. 212. If present I would have voted "yea."

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in this Chamber on April 2, 2004. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 115, 116, and 117.

In addition, I was inadvertently delayed and missed votes on June 1, 2004. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 210, 211, and 212.

IN HONOR OF JOSEPH ACABA, FIRST PUERTO RICAN EVER IN A NASA ASTRONAUT CLASS

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. ACEVEDO-VILÁ. Mr. Speaker, I rise today to pay tribute to Joseph Acaba, the first Puerto Rican ever in a NASA Astronaut class. Mr. Acaba, a mission specialist and educator in Dunnellon, Florida, was recently chosen as a member of the 2004 Class of Astronaut Candidates. He is one of three mission specialist-educators, selected from a field of more than 1,000 applicants, who will train with more than 100 astronauts at the Johnson Space Center in Houston.

Joseph Acaba, 36, was born in Inglewood, California. His father Ralph was born in Arecibo, Puerto Rico, and his mother Elsie was born in San Juan, Puerto Rico.

Mr. Acaba has been teaching math and science at Dunnellon Middle School since 2000. He has degrees from the University of California at Santa Barbara and the University of Arizona. He is a former Peace Corps volunteer in the Dominican Republic and also managed a research station in the Bahamas.

Space travel has intrigued Joseph Acaba since childhood. His father would show young Joseph filmstrips he had saved of the first landing on the Moon. Now, Joseph Acaba is one step closer to being the first Puerto Rican in space or even the first "Boricua en la Luna" ("Puerto Rican on the Moon"), the title of a famous and beloved poem—later turned into a song—by Puerto Rican poet Juan Antonio Corretjer.

Mr. Acaba has said that, besides family photos and hot tamales, he plans to bring the Puerto Rican flag into space. We hope to live to see the day when this happens. In the meantime, we are very proud to have in Joseph Acaba a young, talented and dedicated Puerto Rican who will continue to educate and inspire others through his hard work, his example, his commitment, and his pioneering spirit. How fitting that the first Puerto Rican space trainee is also a much-admired middle school teacher of science and math who has broadened his students' minds.

I ask that you join me in honoring Joseph Acaba, the first Puerto Rican ever in a NASA Astronaut class.

TRIBUTE TO ELDER EDWARD STANTON, SR.

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. FORD. Mr. Speaker, I rise today to pay well deserved recognition to Elder Edward Stanton, Sr. of Memphis, Tennessee.

An ordained minister with the Memphis-based Church of God in Christ, Elder Stanton has earned a special place in the heart of his community for his service to others. Having served our country faithfully in both World War II and the Korean War, Elder Stanton carried this superior level of dedication into his 25 year tenure with the U.S. Postal Service and into his role as Assistant Pastor of Temple Church of God in Christ. His commitment is further observed in his longstanding devotion to his wife of over 50 years, Helen, as well as his entire family.

Elder Stanton's faith in action has been a guiding force for people across the Memphis community. In addition to his volunteer efforts as a District Chief Probation Officer with Memphis's Juvenile Court system, Elder Stanton has earned a special place in the hearts of many for his work to help the homeless and destitute citizens of his community. For a number of years, he owned and operated a boarding house that took in homeless individuals and others who lacked housing options. In an act of Christian love, Elder Stanton helped to manage the finances of many of these individuals and provided all of the residents with an array of amenities and free-of-charge services in an effort to help these individuals reach a better quality of life. For these services, the Memphis City Council has appropriately named the street on which this facility was located in honor of this noble man.

However, even with the street renaming, one of the most fitting and profound credits to the legacy of service he continues to bequeath is that Elder Stanton's family has followed in his sizeable footsteps by positively impacting the civic, political, non-profit, educational, business, and religious communities in Memphis.

For his over 40 years of service to his denomination and his example of leadership for his family and city, I would ask my colleagues in the U. S. House of Representatives to join with me in honoring Elder Edward Stanton, Sr.

TRIBUTE TO RAYMOND FRANCIS ROURKE

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. MEEHAN. Mr. Speaker, I rise to pay special tribute to Raymond Francis Rourke who passed away on Monday, May 24 at the age of 86. Ray was a loving father and husband, an outstanding public servant, and friend and mentor to many including myself.

I ask unanimous consent to enter into the CONGRESSIONAL RECORD the Lowell Sun's Editorial from May 26:

RAY ROURKE. 1917–2004

If Lowell could build a pantheon to its all-time great civic leaders, a statue of Ray Rourke would stand on a pedestal alongside those of Paul Tsongas, Telemachus ''Mike'' DeMoulas and others.

Rourke, who died Monday at the age of 84, was a Mill City icon and a throwback to an era of Irish gentlemen who succeeded in combining a valued family life with an equally strong commitment to public service.

In his essence, Rourke was a good listener and a specially good adviser. He never told people how to think; instead he kindly counseled them as to the importance of what they should be thinking about. It was a philosophy that won him hundreds, if not thousands, of lifelong friends.

Of all his many accomplishments, Rourke considered his greatest legacy to Lowell and the state of Massachusetts to be his seven children. ''I added to the economy seven times,'' he would proudly say at Mr. Al's Barbershop on Middlesex Street.

Rourke will go down in political annals for his long and distinguished public service as a city councilor, mayor, state representative and state Deputy Secretary of Transportation in both the Dukakis and King administrations. Yet if we could write a fitting epithet for his statue, in our pantheon of Lowell greats, it would read:

''Ray Rourke [1917–2004], one of those humble yet great working-class men from Lowell's 'Flats' neighborhood who decided to do something good for the community and succeeded.''

Ray is survived by his wife, Rita; his two daughters, Maureen A. Cohen and Nancy L. Vieira; his three sons, Raymond R., Richard P., and John P.; and his sixteen grandchildren and fifteen great-grandchildren.

PAYING TRIBUTE TO BRENT CURTICE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to congratulate Brent Curtice of Paonia, Colorado, on being recognized by the Colorado Association of Secondary School Principals as the Colorado High School Principal of the Year. The award acknowledges leaders who have provided high quality learning opportunities for students. In honor of Brent's award, the Town of Paonia also declared April 7 as ''Brent Curtice Appreciation Day.'' This award is a well-deserved testament to his achievements in education.

Brent began his career in education twenty-two years ago as a teacher and athletic director at Hotchkiss High School. Thirteen years later he accepted a position at Paonia High School. His leadership and dedication have helped to take the school to the upper echelons of academic excellence, including achieving a top five ranking among 2A schools in Colorado for the ACT college entrance exam. Brent, however, is quick to note that it is the work of the students and teachers that really make the school a success.

Mr. Speaker, I am honored to pay tribute to the service and achievements of Brent Curtice before this body of Congress and this nation. His efforts to continually challenge his students through a demanding curriculum is truly remarkable, and the recognition he received from the Colorado Association of Secondary School Principals as their 2004 Colorado High School Principal of the Year is a well-deserved testament to his tireless efforts. I sincerely thank Brent for his service.

HONORING MR. KENT GIBBS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Mr. Kent Gibbs of the Orange County Council Boy Scouts of America.

Mr. Gibbs became President/Scout Executive of the Orange County Council Boy Scouts of America in 1982. Immediately after he assumed his new post, his organization was faced with severe funding cutbacks and a forced thirty percent staff reduction. Despite all of these hardships, Mr. Gibbs was still able to provide services for young men and women across Orange County.

Mr. Gibbs was also heavily involved in the undertaking of a $21 million Major Gifts Initiative to provide funding to support outreach efforts into the inner city communities and needed capital improvements.

The Orange County Council has been recognized as a Quality Organization by the national organization of the Boy Scouts of America, and Mr. Gibbs was a recipient of the James E. West Fellowship and Heritage Society Award.

I would like to extend my best wishes to Mr. Gibbs on the occasion of his retirement and thank him for his service to the communities of Orange County.

2004 ENERGY STAR FOR HOMES—OUTSTANDING ACHIEVEMENT AWARDS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the following homebuilders from in or around my congressional district for their recent recognition as Oncor 2004 ENERGY STAR for Homes—Outstanding Achievement Award: Ashton Woods Homes; Beazer Homes of Dallas; Buescher Homes; Coleman Homes; D.R. Horton; David Weekly Homes; Highland Homes, LTD; History Maker Homes; KB Homes; Landstar Homes; Legacy Homes; Lennar Homes; Mercedes Homes; MHI; Morrison Homes, Oak Creek Homes, Optima Homes, Paul Taylor Homes, and Ryland Homes.

Forty-six builders participated in the 2003 Oncor ENERGY STAR Homes program. Each of the Award recipients registered with the EPA and constructed at least 50 ENERGY STAR homes in 2003. Collectively, winners built 11,505 ENERGY STAR qualified homes.

The ENERGY STAR program is a government industry partnership for promoting energy efficient products. ENERGY STAR eligible homes use considerably less energy than standard homes. Because of lower energy usage, ENERGY STAR homes save homeowners money because they cost less to heat and cool. In addition, they help to reduce air pollution—a particular concern in the Dallas/Fort Worth area. Nationwide almost 20 percent of air pollution results from energy used in homes. Just one ENERGY STAR home can

reduce greenhouse gas emissions by 4,500 lbs per year.

Energy efficiency is an important part of a balanced energy policy. That is why President George W. Bush and the U.S. House of Representatives included a provision in H.R. 6, The Energy Policy Act of 2003, which would expand the ENERGY STAR program.

The homebuilders who participate in the ENERGY STAR program recognize the importance of energy conservation. Once again, I would like to thank these 21 North Texas homebuilders for their commitment to constructing ENERGY STAR qualified homes.

100TH ANNIVERSARY OF THE KENTUCKIANS OF NEW YORK

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Ms. SLAUGHTER. Mr. Speaker, I rise today to commemorate the 100th Anniversary of The Kentuckians of New York. This congressional recognition will be presented on June 3, 2004 in New York City to a gathering of more than 325 persons at a Gala Dinner Dance. On the occasion, the following six Kentuckians will be honored for their distinguished careers in their chosen field, for their contributions to their community for public service, and their impact both nationally and globally: Owsley Brown II, John Y. Brown, Jr., Martha Layne Collins, Bob Edwards, Phil Simms, and Bill Samuels, Jr.

The Kentuckians of New York was organized on April 27, 1904. The first president was John C. Carlisle, who served six years. During the turn of the century, several state societies were formed. Those who had chosen New York as their new home longed to maintain contact with persons from their home state. The Kentuckians of New York is one of the few, which remain today and have reached this milestone. In the early days, it was a men's organization, which met periodically to enjoy fellowship and sampling of some of the principal Kentucky products, tobacco and bourbon.

During the term of President James C. Bowling (1974–76), Peggy Silhanek and Myra Leigh Tobin became the first two women members. I joined the organization soon after membership was opened to women. I met, not one, but all four criteria for becoming a member: born in Kentucky, lived in Kentucky for at least five years, graduated from a Kentucky college or university, and a son or daughter of a Kentuckian.

The society currently has both resident and nonresident members. The primary purpose of the organization is to share fellowship and the love of our Kentucky heritage at two dinner meetings each year. At these meetings, a reception is followed by dinner and a talk about some aspect of Kentucky by a distinguished speaker from Kentucky or with ties to Kentucky.

I was invited to be a speaker in October 2001, which followed the terrorist acts on the World Trade Center and the Pentagon on September 11, 2001. It was a very somber time in New York City and in the country. The Kentuckians of New York lost two of its members, James R. Paul and Thomas W. Hohlweck, Jr., who worked in the World Trade Center. My remarks focused on re-assuring members that Members of Congress were addressing terrorism and were concerned about the safety and security of its citizens, and in bringing justice to those who committed the terrorist acts of 9/11.

Many illustrious speakers have addressed the organization. One memorable evening was the time when former Governor A.B. "Happy" Chandler was speaker, following his induction into the Baseball Hall of Fame. Former President Richard Nixon came to the reception unannounced to extend his congratulations to "Happy" Chandler and to extend greetings to The Kentuckians of New York.

Mr. Speaker, on the occasion of The Kentuckians of New York's 100th Anniversary, I join with its members and other Kentuckians who will celebrate in its contributions to New York, to Kentucky, and to our nation.

TRIBUTE TO RALPH LIBERTO

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. LEVIN. Mr. Speaker, I rise to pay tribute to a dear friend and selfless public servant, Ralph Liberto. Ralph's dedication to working families spanned a lifetime, from his early days as a Marine Raider in World War II, through his service as a union leader, and finally as a trusted County Commissioner representing southwest Warren for the past 14 years. Ralph died on March 15th at the age of 80, after quietly battling leukemia.

For more than 30 years, Ralph played a major role in defining and changing Macomb County. Ralph Liberato distinguished himself as a friend to the working families and senior citizens in Macomb County, a friend to military veterans, and as an honest, dedicated and respected public servant.

After proudly serving his beloved country from 1940–1946 in the United States Marine Corps, he began working at a Chevrolet Gear and Axle plant. He quickly earned the respect of his fellow union employees, who elected him to the highest UAW office in the plant, shop chairman. He continued to champion labor rights as UAW Local 160's first president, then union leader for the AFL–CIO, and government relations director for AFSCME.

Ralph Liberato saw public service as a way to continue his deep sense of duty to the community and to his fellow citizens. A spirited political leader, he began cooking spaghetti for countless political and charitable fund raisers, providing his famous pasta at events from the shores of Lake St. Clair to Lansing.

In 1990 he was elected to Macomb County's Board of Commissioners, where he served on a variety of committees. His colleagues relied on his negotiation and debate skills, eventually electing him Vice Chair of the Board from 1996–2001. As a member of the Parks and Recreation Board and a fan of big band music, he started senior citizen swing dances held at the Freedom Hill Park and Metro Beach. To honor Commissioner Liberato's legacy, Independence Hall at Freedom Hill County Park was recently renamed " Ralph A. Liberato Independence Hall."

Later in life, Ralph continued to fight for causes he believed in. He diligently worked to raise funds for Washington D.C.'s World War II Memorial honoring his fellow veterans.

Whatever endeavor or job Ralph took on, he did it with his whole heart and a deep sense of duty for serving those around him. I ask my colleagues to join me in honoring the life of Ralph Liberto for all his tireless work on behalf of our community and citizens.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Ms. WOOLSEY. Mr. Speaker, had I been present yesterday during rollcall No. 210, I would have voted "aye." During rollcall No. 211, I would have voted "aye." And, on rollcall No. 212, I would have voted "aye."

RECOGNIZING THE WINNERS AND SPONSORS OF THE 24 CHALLENGE MATH TOURNAMENT IN SAN DIEGO, CA

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate the winners of the 24 Challenge Math Tournament in San Diego, CA and to express my appreciation to the sponsors who helped to make the tournament possible.

The 24 game is played with decks of cards with each card displaying four numbers. The numbers vary in complexity from single digits to fractions, decimals and exponents. Students combine the numbers to make 24 by using basic math operations and mental calculations. The 24 Challenge involves tournament-style programs using the 24 game to spark in-class, school wide and regional mathematics competitions. Students prepare for tournament play by practicing games both in and outside the classroom for eight to twelve weeks prior to year-end regional championship competitions.

In San Diego, the regional tournament is held each year during the Congressional Memorial Day recess at the San Diego Aerospace Museum. This year's tournament was held on Wednesday, May 26. I would like to recognize the winners of San Diego's 24 Challenge: (Alvin Balmeo of Las Palmas E.S., Grade 4/5 winner; Ling Yeung of Del Mar Hills E.S., Grade 6 winner; Sofie Christlieb of Standley M.S., Grade 7/8 winner; and Michael Kim of Standley M.S., Platinum Master.

I ask my colleagues to join me in applauding these dedicated and hardworking students. I also encourage my colleagues to host tournaments in their Congressional districts. Over the years, this exciting math program has engaged millions of students from all backgrounds. The 24 Game provides students with a common ground for developing math fluency and game play helps children develop skills such as number sense, pattern sensing, problem solving and mental math. At the same time, the 24 Challenge math tournaments encourage students to embrace the spirit of competition.

I would also like to thank the sponsors of the San Diego 24 Challenge Tournament: The San Diego Chargers; NBC 7/39; WestEd; SONY; Gen-Probe; and Greater San Diego Math Council.

These sponsors have recognized the need for students to build strong skills in problem solving, mental math and reasoning. The support of these sponsors is absolutely critical for helping San Diego's students to achieve by applying the skills that they learn in the classroom. I would like to offer a special ''thank you'' to Gen-Probe, a biotechnology company headquartered in my district, who sponsored the tournament for the first time this year. I would also like to thank Bob Sun and Nan Ronis for the tireless efforts to make these tournaments all across the country a success. In closing, I urge my colleagues to join me in recognizing the achievement of the winners of the San Diego 24 Challenge Math Tournament, as well as the commitment of the sponsors who helped to make it possible.

PAYING TRIBUTE TO FRED KROEGER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Fred Kroeger and thank him for the remarkable civic contributions he has made to his Durango community and the State of Colorado. A lifelong resident of the Durango area, Fred was recently recognized by Club 20 for his service to Western Colorado with the prestigious Vanderhoof Award. It is with great satisfaction that I congratulate a good friend of mine for his significant contributions to the Durango Community.

Fred was born and raised in Durango where he graduated from Durango High School. He later attended Fort Lewis College for two years, and went on to receive a degree in Agronomy from Colorado State University. Using his degree, he managed his family's agriculture supply business. His natural leadership in the business arena aided in his election to the Board of the National Retail Hardware Association in 1965 where he went on to serve as the Association's President.

Fred has spent a lifetime supporting local civic matters, from the Fort Lewis College Foundation Board to the Board of the First National Bank of Durango. His most lasting contribution to Western Colorado however, will be the decades of leadership which he has contributed to Colorado's water arena. He served on the Colorado Water Conservation Board for twenty-one years, and the Southwest Water Conservation District Board since 1954 where he served the District as President. The District covers six counties and portions of three others in Southwest Colorado. Fred also dedicated countless hours over the years to secure the passage of the Animas La Plata water project, which gives the Ute Indian Tribe the water resources promised to them in an earlier treaty.

Mr. Speaker, it is my privilege to recognize Fred Kroeger before this body of Congress and this nation, and congratulate him on receiving the Vanderhoof Award from Club 20. The award is a well-deserved testament to Fred's willingness to provide his time and experience to his fellow citizens. It is my privilege to extend to Fred my sincerest thanks for his years of dedicated service and wish him all the best in his future endeavors.

HONORING THE POEMS OF STUDENTS FROM RIDLEY HIGH SCHOOL, FOLSOM, PA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. WELDON of Pennsylvania. Mr. Speaker, I had the great pleasure and honor to participate in the Ridley High School Memorial Day Program on May 28, 2004. I was presented with a very special compilation of poems composed by the students from Ridley High School's Advanced Placement American History/Honors English classes. The assignment was voluntary and those students, whose work is reflected here, searched their hearts for their feelings about America's military men and women. The result was a wonderful collection of poetry that expresses their pride and gratitude for those who make personal sacrifices to protect our freedoms and democracy.

I join with these students in their continued support and appreciation for our troops at home and abroad. I hope my colleagues find both inspiration and gratitude in their words so beautifully expressed.

WITH EVERY STEP

With every step through your daily life
Quietly, they whisper
Whisper courage to the young children
Playing under the warmth of the sun
Whisper sacrifice to all
Enjoying the freedom they provided.

From their peaceful rest they whisper
Going under with the honor of a nation
And their love of country
The willing force for freedom
Makes the land of the free
The home of the brave.

In kind words, we whisper
Do not forget the contributions
Of our fallen countrymen
In this time of terror
They protect us still.

Tabatha Sabatino

OUR SUNS

Running laps, chasing circles, rounding wheels
inside a mind fall back in time now
answer questions, which before could change a life.
Still inside is such a yearning once repressed in idol lines.
Decisions made remain unchanged
once again it's no surprise.

Unending conflict risk of fears so unfair and still not right
To rock the boat? To sink the boat? To loose the boat?
To rise? As rise the sun and sons do rise
before the settling of the matter
What matters more won't make it right
Forget what is right to love the latter.

Sara Rothemel

ORDINARY PEOPLE

War is not a poem I can write,
There were men in marshes in Asia once
Swallowing a lump in their throat
and running through a steel, cold rain
and we couldn't understand why.

Peace is not an ideal blowing among the pollen
from the windswept daisies.
There were men trapped in foreign countries once
battling for the freedom of oppressed people
and assuring that America remained most free.

Justice is not found in the barrel of a gun
It is not found in a switch or an engine
It is not in the hand of the person in control of any of those
It is in the name of intuition
and belief in a system
A whole
One nation
where most men have found freedom
found a pursuit
A man will step on the battlefield as a soldier
the hero of middle America
and return to his home
his job, and his life
like an ordinary man

our nation is watched over
by the vigilance, the gunshots,
the air patrol, the patience,
the dedication and discipline
of ordinary people.

Kim Leszak

THE SOLDIER

The American soldier emits an ineffable presence
To represent our country and to be revered
He holds his duties with a profound dignity
And sacrifices his character to defend our country
He witnesses battles, and scourges, and deaths
And gambles himself to defend our freedom
His mission should be respected by all
As he aims to keep safety for our American future.

Chris Gross

MY DADDY WAS A SAILOR

The little boy had found the trunk
Hidden beneath the bed
And when he opened the dusty lock
Old visions filled his head.

He saw his father's picture
He was dressed in starchy white
He saw the ship that carried him
And his eyes filled with fright
He picked up all the medals
As his eyes filled with tears
For his father had died long ago
And he had forgotten all these years
He admired his father's bravery
For he knew the story well
His father protected his honor
It is a story he loves to tell

''My daddy was a sailor
He wore his chevrons proud
And though he cannot tell you
He made us safe and sound
My daddy gave his life
Fighting for our country
And I think it's safe to say
His virtues are in me.
I want to serve my country
I want to stand up tall
I want to be like my daddy
I want that most of all.''

The little boy grew up that day
He became a sailor too
He know the dangers facing him
But his honor was brave and true.
He will pass on the glory
That his father gave to him
He will fight for our country's honor
He will be there through thick and thin.

I want you to know I serve my country
Not because I have to
I do it because I love being free
I hope it is important to you.

Jessyca Allen

AMERICAN SOLDIERS

The sun shines on a distant land
American soldiers arise to the surrounding sand.
The heat is great, the sun is hot,
But they still fight with all they've got.

They think of home, warm and free
The yellow flags that line the street

The hopes and prayers from family and friends
Reminds them that their efforts do not go unnoticed.

But we as a nation must continue to show
Support for our troops both near and far
And though it's dirty,
We must not forget the war.

Brianne Brennan

WHY THEY FIGHT

They fight for a simple word
Engrained within our past
They leave their lives and families
To protect our cherished land.
Leaving behind everything familiar
These individuals unknown to the masses.

But continue on for us,
We Americans.
Our fearless, proud defenders return
Our simple idea is still safe
Our simple, single idea.
They defended the meaning of America
With their valor, bravery and honor.
They fight to protect our freedom.

Jeanne Fasello

WAR

Many things represent war and what it means to America today.
Each citizen is touched by war and affected in a different way.
Young men are called to battle and learn to fight with pride.
They learn to support their country despite the fears they hold inside.
Husbands and fathers uphold their duties and kiss their family goodbye.
Even though their wives grow worried and their children begin to cry.
Little boys play happily with toy guns and G.I. Joes
Dreaming of the day that they can waltz in their camouflage clothes.
Women and girls begin to step up and defend us with their hearts.
Eventually the country will unify in war and everyone will take part.
Even the ones who stay at home offer support with the small things they do.
They hang up yellow ribbons and waves flags of red, white and blue.
It is through these American symbols and citizens,
Supportive and courageous, that makes the fighting worth it,
No matter how dangerous.
We are all Americans, all sacrificing and standing tall.
In times of war our country proudly sings their patriotic song.
So let us take the time to recognize the brave on this Memorial Day
For they will always be remembered as heroes in every way.

Meaghan Shinkle

ONE LONELY STAR

One lonely star.
All alone in the front window,
Five blue points bursting from a white ocean,
Outlined with a red bank,
Yellow ribbon holds it in place,
So they may return home safe.

She sees her son out the door;
One final kiss
Good-bye.
Her motherly instincts straighten the uniform,
And she stares, pride filling her heart.
Her eyes fall to her other son,
And she wishes that he too would become such a man,

That fateful day.
Two pillars of strength—
Gone.
Destruction, Confusion, Fear
What's to come? ,

The news comes, as everyone knew it would.
War.
But will he go?
Yes.

She cries, her baby all grown up.
He's no longer her baby,
He's her Hero, her Protector, her Strength.

Letters come faithfully.
But her nerves are never calmed
Negative newscasts—fodder for fear,
She prays her star not turn gold.

One lonely star,
All alone in the front window,
Five blue points bursting from a white ocean,
Outlined with a red bank,
Yellow ribbon holds it in place.
May they return home safe.

Chrissy Stief

I'LL WALK BESIDE YOU

I'll walk along beside you
and sometimes take your hand,
as you suffer for my innocence
and I'll grasp a bit tighter
as you die for my smile.

I still don't know your name
but I am a close friend with happiness,
Though we have never met
you introduced me to Hope
Who had always been shy before.

And Pride, elusive as always,
is a mutual companion we can share.
You know pride through sacrifice
and your sacrifice helped familiarize me with Pride.

One day we will meet,
at a party I suspect,
and though we have never seen each other
I'll know you.
I'll know you protected me millions of times
for I can see myself in every person I meet,
though we are not familiar.

But we all know you, a still and silent soldier
who bears the scars of our freedom.

Colleen Beatty

MEMORIAL MEMORIES

Gazing out of my window, wondering,
Looking at the differences abounding,
From luscious, green, growing trees
To uniform streets connecting.
How did all of this happen?

America bears certain freedoms.
Having to sustain our personal gains,
We have to fight for our protected rights.
So, we continue to live remembering the fight.

Needing pride to stop the vain,
We have to remember those living and dead.
Who have given their lives for the cause of freedom
Our lives continue to flourish because of our veterans and fighting soldiers.

Shaleen Spuglio

THE WARRIOR

As he charges shield raised
Into the midst of battle
He remembers those who fought before
Gallantly dying in order to save the lives of others.

Woe though death's bite is strong
And quick on their mortal bodies,
The pure passion of battle carries their bodies like a trance,
Cutting down any opposition in his way.

Warrior, you are stronger than I,
For you fight for a cause much greater than mine,

David Benner

FREEDOM ON YOUR SHOULDERS

We are the shadows,
The whispers on the wind
Of one lost
For a sea of triumph.

We are the ants
Marching in a line
To harvest a field of freedom
For you.

We are the giants
And freedom rests upon our shoulders.

Cynthia Casebere

OUR PROTECTORS

The Fates, the three
Hunched over in wait
With the cord spinning
The color of dried blood and trench mud
The color of years sacrificed
The cord, the thread keeps spinning
And another generation is tugged by it into the loop.
Becoming protectors around our naked spool
Barely missing the cool, hard scissors
That threatens courageous souls.

Adrienne Showalter

FALLEN HEROES

SPEECH OF

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BOOZMAN. Mr. Speaker, I appreciate you holding a moment of silence for our fallen heroes during legislative business on Thursday, May, 20, 2004. On the eve of Memorial Day, it was extremely important that we all paused to remember the brave men and women who have given their lives in the War on Terror. I am also grateful for the opportunity to submit the following remarks on Specialist Dustin McGaugh and Private First Class Brandon Smith, the two brave servicemen from the Third District who gave their lives fighting the War on Terror in Iraq.

Specialist Dustin K. McGaugh grew up in Springdale, Arkansas. He was killed in a ''friendly fire'' accident in Balad, Iraq, last October.

Private First Class Brandon Smith was a resident of Fayetteville, Arkansas. He was killed in action in Al Qaim, Iraq, late last March when the Humvee he was traveling in ran over a land mine. That Humvee was rushing to assist U.S. troops who were under enemy fire.

For both these brave men, just getting into the military was quite a challenge. Dustin enlisted in the Army prior to the September 11th

attacks, but he broke his shinbone in basic training. He was so intent on becoming a soldier that he completed his last three weeks of basic training despite an injury that would have sidelined most of us.

When Brandon joined the Marines, he told his friends that he had found his life's calling. However, for Brandon fulfilling his lifelong dream was no simple task. Every morning, he had to run laps around Asbell Park, lift weights and literally lose 80 pounds to be in shape for Marine Boot Camp.

Dustin and Brandon served as inspirations to their fellow soldiers in Iraq and to Americans back home. On the battlefield, Dustin's fellow soldiers said that regardless of the dangers, he could often be found handing out candy to Iraqi children. And back home, community members signed a banner in Brandon's memory, recalling the bravery of a fallen Marine who put his country and his neighbors ahead of himself.

Mr. Speaker, Dustin and Brandon made the ultimate sacrifice for their country. They selflessly put themselves in harm's way so that future generations can live in a world free of terror. Dustin McGaugh and Brandon Smith are true American heroes. I ask my colleagues to keep their family and friends in their thoughts and prayers.

IN SPECIAL RECOGNITION OF THE MINNESOTA DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION ON RECEIVING THE 2004 MARK TRAIL AWARD

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to congratulate the Minnesota Division of Homeland Security and Emergency Management and the Minnesota Department of Transportation on receiving the Mark Trail Award of 2004. Two Minnesotans, Rochester resident Troy Schmidt from the Minnesota Department of Transportation and Woodbury resident Terri Smith from the Minnesota Division of Homeland Security and Emergency Management, are accepting the award at a ceremony tomorrow, June 4, 2004 in Washington D.C.

Since approaching the National Oceanic and Atmospheric Administration's (NOAA) National Weather Service in 2000, the Minnesota Division of Homeland Security and Emergency Management and the Minnesota Department of Transportation have expanded the Minnesota NOAA Weather Radio Transmitter network from 12 to 32 transmitters, with 4 more about to go into service. As a result, 99 percent of all Minnesotans are now within broadcast range of a National Weather Radio transmitter.

The statewide NOAA Weather Radio Transmitter network will provide Minnesotans with weather announcements and other emergency messages when necessary. When tragedy strikes, this network will allow for notice of emergencies such as fire, flood, tornado or accidents involving hazardous materials to be broadcast so Minnesotans will be aware of the emergency procedures, and can keep their families safe.

Mr. Speaker, it is important services, such as the National Weather Service, that provide a safe environment for the public. It is my privilege to recognize two outstanding Minnesotans, Troy Schmidt and Terri Smith, for their work. I would like to express my appreciation for the sponsors of the Mark Trail Award and for the Minnesota Division of Homeland Security and Emergency Management and the Minnesota Department of Transportation for their help and achievements in coordinating county, state, and federal services.

HONORING BETTY JANE GORIN-SMITH

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay tribute to a remarkable individual from my home state of Kentucky. Betty Jane Gorin-Smith has been a longtime volunteer and leading voice in the historic preservation efforts of the Heartland Civil War Trails Project. This extraordinary endeavor is only a footnote to her many years of service in the Taylor County community, as a distinguished teacher, author, and historian.

Mrs. Gorin-Smith taught U.S. and world history in local schools for more than two decades. She has also taught at Campbellsville University and Lindsey Wilson College. Her academic and civic awards are numerous. She has written numerous published articles and is presently completing a book on the life of Civil War General John Hunt Morgan. In addition to her work with the Heartland Civil War Trails Commission, Mrs. Smith is recognized as a primary leader of the preservation effort at the Tebbs Bend Civil War battlefield.

I would like to recognize Mrs. Gorin-Smith, before the entire U.S. House of Representatives, for her exemplary citizenship and community engagement. Her efforts, past and present, make her an outstanding American, worthy of our collective respect and honor.

On the occasion of the Civil War Trails Commission ribbon cutting, I publicly endorse Betty Jane Gorin-Smith as Historian Laureate for the Heartland Region of Kentucky.

CELEBRATING NATIONAL MARITIME DAY

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. ALEXANDER. Mr. Speaker, I rise today to take a moment to remember the valiant efforts of their neighbors and fellow citizens of the U.S. Merchant Marine.

America is a nation of the sea. Our oceans, lakes and rivers have left an indelible mark upon the American existence. The American Merchant Marine—both the industry and mariners who ply the oceans of the world under our Flag—are a critical part of our national infrastructure. During peace time they move the goods that keep America moving, and during war time, they protect us by ensuring that our soldiers abroad have the equipment, food and medicine that keep them fighting.

As President Ronald Reagan said in his 1988 National Maritime Day proclamation, ". . . the merchant marine continues its roles in trade and defense—and the sailors of our commercial fleets continue to exhibit the patriotism and the many skills that have ever characterized them and their predecessors. It is truly fitting that we pause to salute these seafarers and all other Americans who support them and guard the lifelines of the sea that sustain us all."

Yet despite the critical role in our national infrastructure that the maritime industry plays, it is all too easy to forget them. We see trucks every day on our roads, and we see airplanes in our skies. We do not see the hundreds of ships that sail our oceans brimming with cargo, bound for our malls and supermarkets. We do not see the thousands of men and women who leave behind their families for months at a time to crew these vessels and ensure that the goods we need to survive make it to our shores.

Every May 22, we as a nation come together to celebrate National Maritime Day, a day to remember those men and women who are so often forgotten. Today, just as it was at our nation's founding, the American Merchant Marine remains an important part of our national experience.

IN MEMORY OF SPC. MICHAEL CURTIS CAMPBELL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. SKELTON. Mr. Speaker, it is with sadness that I inform the House of the death of Spc. Michael Curtis Campbell of Marshfield, MO. Spc. Campbell was killed when his combat patrol was attacked with an improvised explosive device and small arms fire near Samarra, Iraq.

Spc. Campbell chose to serve his country early. Upon graduating from St. Paul's Lutheran High School in Concordia, MO, in 1988, he entered the United States Navy where he spent four years, serving during Operation Desert Storm.

As a member of the National Guard, Spc. Campbell was called to serve following the September 11th terrorist attacks. He was first tasked with hauling debris from the remains of the World Trade Center. He was assigned to Headquarters Troop, 1st Squadron, 4th Cavalry Regiment, 1st Infantry Division, in Schweinfurt, Germany. He arrived in Germany in December, 2003, and left for Iraq in February of this year.

Mr. Speaker, Spc. Michael Campbell answered the call to service when his country needed him most. I know the Members of the House will join me in offering condolences to his friends and family.

PAYING TRIBUTE TO CONNIE DELANEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise to pay tribute to the life and memory of Connie Delaney, who recently passed away at the age of eighty. I knew Connie and her family very well, and she was a devoted mother, a dear friend, and a beloved member of her Glenwood Springs, Colorado community. As her family and community mourn her passing, I believe it is appropriate to recognize the life of this exceptional woman before this body of Congress and this nation.

In 1946 Connie married Robert Delaney and moved to Glenwood Springs and became an active member of her community. She dedicated most of her efforts to Valley View Hospital, accumulating over 8,000 hours of volunteer service. She was the hospital's auxiliary president in 1968, and again in 1983. Serving as the auxiliary's historian, she attended all of the hospitals functions, taking pictures at every event. She then spent many hours putting together scrapbooks that serve as a wonderful history of the hospital. She was always willing to help out in any way she could, with open arms and a beautiful smile.

In recognition of Connie and her husband Robert's extensive community involvement, the Colorado Mountain College honored them during the College's prestigious Calaway Honor Series reception. Above all of her achievements, Connie was most devoted to Robert, sons Rob and Ralph, and daughter Diane.

Mr. Speaker, it is an honor to rise before this body of Congress and this nation to pay tribute to the life and memory of Connie Delaney. I am proud to have known such a great woman who enriched the lives of her family and community. My heart goes out to her family, friends, and Glenwood Springs community during this difficult time of bereavement. Connie, we will miss you.

HONORING LOIS HALE

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. CARDOZA. Mr. Speaker, I rise today to honor Lois Hale. Lois Hale has dedicated her life to education and the community of Ballico has benefited greatly from her efforts.

Signum scientis est posse docere. The touchstone of knowledge is the ability to teach.

Ms. Lois Hale has this special ability and has selflessly utilized it to the benefit of her community for nearly 40 years. In addition to successfully teaching thousands of our children essential math skills so they may have a solid foundation for future success, Lois Hale has dutifully served as a leader and role model for both students and fellow faculty members.

Ms. Hale has served as President of California's Central Valley Math Council. She has, for many years, offered herself as a mentor to her students. She has also taken upon herself responsibility for organizing and directing student activities such as the annual Math Superbowl and the biennial Washington DC trip.

She has received the recognition of her peers for her accomplishments. She has been honored with such recognitions as being a California Presidential Award Finalist, twice being listed in the Who's Who Among America's Teachers, and receiving the George Polya Award for Outstanding Teaching.

Perhaps more important and telling than her individual awards and recognitions is the success and accomplishments of those she has taught. This year alone, her Math Superbowl team brought back 28 trophies and countless other recognitions. This is notable, given the fact that her school district has little more than 300 current students.

Ms. Hale has proven her depth of knowledge and character over the past 40 years, and has embodied the idea that Signum scientis est posse docere.

We are honored to have people like Ms. Hale aiding in the development and progress of our children and our community. I would like the House to join me in thanking Ms. Hale for her many years of dedicated and honorable service and to wish her the best in her retirement.

CONGRATULATING MARK A. ANGELSON

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. EMANUEL. Mr. Speaker, I rise today to congratulate Mark A. Angelson for joining RR Donnelley & Sons Company and on being selected as its Chief Executive Officer and as a member of its Board of Directors.

RR Donnelley has a rich and storied history. Founded over 140 years ago in Chicago, the firm has grown to become the largest commercial printer in North America, with 50,000 employees serving clients across the globe. Aside from its unparalleled business achievements, RR Donnelley has established a reputation as a model of good corporate citizenship in the Chicagoland area and around the world.

Through the active participation of its employees in youth education projects, and through the RR Donnelly Foundation and its Corporate Giving Program, RR Donnelley has enhanced the lives of thousands of children and has made lasting contributions to the vibrancy of our communities. I applaud RR Donnelley for serving as a shining example of leadership and commitment to civic responsibility in our city.

Mr. Angelson's distinguished background as an attorney, financier and leading corporate executive will serve him well at the helm of RR Donnelley. Prior to his election as CEO of RR Donnelley on February 27, 2004, Mr. Angelson served as CEO of leading printing firm Moore Wallace Inc. He was instrumental in spearheading the merger between Moore Wallace and RR Donnelley earlier this year. Before joining Moore Wallace, Mr. Angelson practiced law for twenty-one years, including fourteen years with Sidley Austin Brown & Wood, served as a senior executive with Big Flower Press Holdings, and was Deputy Chairman of Chancery Lane Capital, a New York-based private equity firm.

Before launching his impressive career, the Caldwell, New Jersey native graduated from Rutgers University, where he received Phi Beta Kappa honors, and from Rutgers Law School. Mr. Angelson and his wife are the proud parents of three daughters.

Mr. Speaker, on behalf of the people of the Fifth Congressional District of Illinois and indeed all of Chicago, I am privileged to congratulate Mark A. Angelson for his achievements and to welcome him to Chicago.

HONORING TUSKEGEE AIRMEN AND THEIR CONTRIBUTION IN CREATING AN INTEGRATED UNITED STATES AIR FORCE

SPEECH OF

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 1, 2004

Mrs. CAPPS. Mr. Speaker, I rise today in strong support of H. Con. Res. 417 and in recognition and gratitude for the lifetime of service provided to his country by Central Coast resident and Tuskegee Airman, Mr. Art Hicks.

The Tuskegee Airmen were a group of brave Americans who volunteered to become this country's first African-American military pilots. These courageous men flew airplanes for their country in the war against fascism, while enduring and waging their own struggle against racism and segregation here at home. Despite the predictions of many defenders of segregation that the Tuskegee Airmen would end in failure, they developed a record of unparalleled skill and courage.

One hundred fifty brave Tuskegee Airmen were lost during training or combat, but they destroyed more than 1,000 German aircraft. Unbelievably, despite flying over 200 bomber escort missions during the war, they never lost a single bomber under their escort.

No one exemplified the honor and service of the Tuskegee Airmen more than Art Hicks. He was born in Georgia in 1922 and grew up under the dark cloud of segregation and its daily dangers, indignities, and humiliations. During World War II, he volunteered to become a Tuskegee Airman.

He eventually served 28 years in the military, retiring in 1971. But after the War, he continued to encounter the racism that also greeted so many of his fellow comrades.

In 1989, nearly single-handedly, he fought and won a battle to remove a barrier to integration at the Elks Lodge and eliminate a stain from this venerable and honorable institution. Doubtless fueled by the same courage and commitment to fight wrong that had propelled him to sign up to be a Tuskegee Airman some four decades earlier, Mr. Hicks fought to eliminate the rule that allowed any three members of the Elks Lodge to block admission of potential members. In many cases, this rule helped to continue a pattern of exclusion based on race or religion. Mr. Hicks began a local letter-writing campaign, was eventually joined by the NAACP, and saw the rule abolished at the Elks national convention later that year.

Mr. Speaker, the Tuskegee Airmen exhibited bravery, skill and sacrifice for their country, while often facing mistreatment from the

society they were defending. They showed the best of America, and we are all so proud of their accomplishments. I am privileged to count one of them among my neighbors on the Central Coast of California.

TRIBUTE TO DR. DAVID BENSON, SUPERINTENDENT OF THE BLUE VALLEY SCHOOL DISTRICT IN JOHNSON COUNTY, KS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. MOORE. Mr. Speaker, it is my honor today to recognize Dr. David Benson, who is retiring this month as superintendent of the Blue Valley School District in the Third Congressional District of Kansas. Since 1993, Dr. Benson has led this outstanding school district, which has experienced exponential growth in facilities and in students. All the while, the district has continued to score exceptionally on all standardized tests and by any other measure of school excellence is one of our nation's outstanding school districts. I am lucky to represent in Congress some of the best schools in the United States, and many, many of them are in the Blue Valley District.

During his time at Blue Valley, the district has grown by 8,000 students. This phenomenal growth required two successful bond campaigns, led by Dr. Benson, and the construction of two new high schools, four middle schools, and six elementary schools. A seventh elementary school will open next fall. During Dr. Benson's tenure, the average growth in Blue Valley enrollment was larger than the total enrollment of most Kansas school districts!

During his years at Blue Valley, the district developed new programs, including foreign language programs for all elementary schools, a broadcast technology program, a new Wilderness Science Center (with wetlands and prairie environments), an alternative high school program, and a program to teach independent living skills to students 18 to 21 with moderate to severe disabilities.

In 2001, Dr. Benson was named Kansas Superintendent of the Year by the Kansas Association of School Administrators. In 2000, he was selected as Communicator of the Year by the Kansas School Public Relations Associations. His leadership extends beyond the education community. Recognizing the importance of the business community's support for public education, Dr. Benson has served as a board member for the Greater Kansas City and Overland Park Chambers of Commerce, and also served as president of United Community Services in 1999 and 2000.

Dr. Benson began his career teaching high school in Joplin, Missouri. He has served in various capacities in Salina, Moundridge, Junction City, and Kingman, Kansas, school districts; and also served as superintendent in both Fort Madison, Iowa, and Moundridge, Kansas. I know each of these districts has benefited from this outstanding public educator.

I wish Dr. Benson and his wife Donni the very best in their new community. While Dr. Benson will be missed by all students, teachers, staff, and patrons of Blue Valley, the district will continue under the excellent leadership of Dr. Tom Trigg, currently the Deputy Superintendent of Administrative Services for Blue Valley.

FALLEN HEROES

SPEECH OF

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mrs. DAVIS of California. Mr. Speaker, I rise today to pay tribute to an amazing generation of Americans, a generation that possessed both the courage and the strength to defend the United States against its fiercest enemies.

I refer, of course, to those who served our great nation during World War II, the brave Americans who stormed the beaches of Europe and who fought to defend our territories in the South Pacific.

Just this weekend, Mr. Speaker, we gave our World War II veterans the commemoration they earned and deserve with the dedication of a new memorial on the National Mall.

Visiting this new monument in person made me think about all of the great sacrifices this generation made on our behalf.

Mr. Speaker, I can only imagine the enormous pressure they faced. The Japanese had already sunk some of our greatest battleships and were gaining ground in the Pacific and across Asia.

German and Italian forces were marching across Western Europe and were gaining ground against our allies.

With the goal of world dominance, the freedoms and liberties of the United States were in jeopardy like never before.

We would have to defeat some of the most powerful military forces in history if we were to keep our independence intact and to prevent a new era of tyranny around the world.

Despite this intense pressure and the great dangers before them, our young men signed up by the thousands and were willing to take on any task no matter what the risk.

They would fight in heroic battles and many of them would never return home or would spend a lifetime with severe injuries.

Working closely with my veterans in San Diego, I have heard firsthand accounts of the heroics on the battlefield and what our young men had to endure to win the war, including one who survived the attack on Pearl Harbor, another who fought in the famous Battle for Midway, and one who was held as a prisoner of war by the Japanese for several years.

We achieved victory only because these service members were willing to fight and willing to do whatever it took to win. We must also not forget the others who were crucial to our great victory.

Women were not eligible for full military status at the time, but this did not prevent them from making vast contributions. Women worked as laborers, engineers, and managers to produce the equipment our soldiers relied upon in the battlefield.

Women also put themselves directly in harm's way by working as medical personnel in battle zones.

Women performed so well and were so crucial to our victory, the War Department would soon establish women's corps in the different branches leading to full military status for them.

We also broke stiff racial barriers during World War II. The Tuskegee Airmen, a squad of African-American pilots, were among the most elite who flew during the war and are credited with contributing to the desegregation of the Air Force.

We must also remember those from other nations who took up arms for the United States—specifically the Filipino veterans who fought alongside American soldiers in the Pacific.

As we dedicate the World War II Monument on our National Mall and celebrate the 60th Anniversary of D-Day, I hope we will remember the commitment by all of those who were crucial to our victory. Please join me in paying tribute to those who would become known as the ''Greatest Generation.''

FALLEN HEROES

SPEECH OF

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. STENHOLM. Mr. Speaker, I rise today in support of our military troops fighting for liberty in Iraq and Afghanistan. As we celebrated Memorial Day this past weekend, it is fitting to remember not only those heroes who have passed on, but also those who promote freedom around the world today.

I also want to take this opportunity to remember the fine young men of the 17th District of Texas who made the ultimate sacrifice for us all in Iraq and Afghanistan. They made the ultimate sacrifice in defense of freedom and liberty, and I extend my condolences to their families and loved ones. Today I honor:

Lt. Nathan White of Abilene, Texas;

Chief Warrant Officer Scott Jamar of Granbury, Texas;

Sgt. Roy Wood of Graham, Texas;

Lt. Doyle Hufstedler of Abilene, Texas;

Lance Corporal Elias Torres of Grape Creek, Texas;

Staff Sergeant Rene Ledesma of Abilene, Texas.

These men are patriots, and I salute them and thank them and their families for their priceless sacrifice.

This Memorial Day, we were especially aware of the sacrifices made by the Greatest Generation, those men and women who fought and won the most important war in our history. Last weekend, we opened a memorial to these brave men and women in a prominent location on the National Mall in Washington, D.C., in a grand setting that befits the strong and indomitable nature of these true heroes.

The veterans of World War II earned their greatness through their blood and sacrifice for a global conflict that destroyed the ambitions of tyrannical regimes. Our soldiers' dedication to country, to freedom, and to duty persevered over frightening threats to our society and way of life.

The Greatest Generation fought against these threats with the best qualities that America had to offer—courage, strength, determination, resourcefulness, fearlessness, and independence. They fought against those who

would steal our freedom and replace our way of life with blind obedience enforced by secret police and fear. Today's soldiers are fighting an enemy with similar goals. Our soldiers are fighting an enemy that would take our freedoms through acts of terror and fear. But these enemies cannot defeat our indomitable spirit and our love of freedom. Our enemies cannot and will not defeat us.

This is not the first time that the United States and her allies have gone into a country representing freedom. As we remember the Greatest Generation we certainly recall the epic D–Day Invasion during World War II when we asked our military—today's distinguished veterans—to place themselves in danger to liberate Europe from the occupation of Nazi Germany. We did not ask for much in return when our troops were victorious.

And our World War II troops did not ask for much from America when they returned home. Most of them did not return to hometown parades, they just returned to their everyday, pre-war lives, even though they had not seen their loved ones in several years. In return for all they had given up, they simply came home, desiring that the world would remain free. We helped Europe, the West, and Japan rebuild under democratic principles, and today we see the fruits of that labor. We have the golden opportunity to do that for Iraq, to help them rebuild into a free country after years of tyranny.

I give my thanks, respect and gratitude to today's military who will be tomorrow's veterans. These individuals represent the long and distinguished tradition of our armed forces as exemplified by the Greatest Generation. Our current service men and women can look to those who came before them as examples of honor and courage, the very lifeblood and creed of the military, and the principles that will always carry the United States to victory.

PERSONAL EXPLANATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. SAM JOHNSON of Texas. Mr. Speaker, I missed votes on May 19 and 20, 2004. The following is an explanation on how I would have voted had I been present:

Rollcall No. 191 ''Yes,'' Previous question—budget rule.

Rollcall No. 192 ''Yes,'' Adoption of the budget rule.

Rollcall No. 193 ''Yes,'' Previous question—DOD rule.

Rollcall No. 194 ''Yes,'' Adoption of the DOD rule.

Rollcall No. 195 ''Yes,'' H. Con. Res. 424—Memorial Day resolution.

Rollcall No. 196 ''Yes,'' Goode amendment (DOD) military on border.

Rollcall No. 197 ''No,'' Davis (CA) amendment—abortion.

Rollcall No. 200 ''Yes,'' Kennedy (MN) amendment—BRAC delay.

Rollcall No. 201 ''Yes,'' Weldon (PA) amendment—destroying Abu Ghraib.

Rollcall No. 202 ''Yes,'' Slaughter amendment—sexual assaults policy.

Rollcall No. 203 ''Yes,'' Tauscher amendment to H.R. 4200—bunker buster.

Rollcall No. 204 ''Yes,'' Ryun amendment to H.R. 4200—Taiwan training programs.

Rollcall No. 205 ''No,'' Democrat motion to recommit.

Rollcall No. 206 ''Yes,'' DOD final passage.

Rollcall No. 207 ''Yes,'' S. 2092—Taiwan in the World Health Organization.

Rollcall No. 208 ''Yes,'' H.R. 4359—Child tax credit.

TRIBUTE TO SHEILA LOCKWOOD

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. OBERSTAR. Mr. Speaker, I rise today on a bittersweet mission—to honor a most cherished staff member, Ms. Sheila Lockwood, on her retirement from the Transportation and Infrastructure Committee.

Sheila began her federal government service career in Washington as a clerk-typist for the Department of Housing and Urban Development (HUD). After six years at HUD, Sheila joined the staff of the Committee on Transportation and Infrastructure.

For the past 24 years, Sheila has served the Members of the Committee and its staff with grace under pressure, uncommon ability, and an irreverent style that endeared her to all. She has worked for six different Chairmen and Ranking Democratic Members including Harold ''Bizz'' Johnson, Jim Howard, Glenn Anderson, Bob Roe, Norm Mineta, and me. She has held many titles and roles—staff assistant, assistant office manager, assistant to the Chief Counsel, executive staff assistant, office manager, and systems administrator—to name but a few.

But titles have never mattered to Sheila; helping people and completing the job have. From Chairman of the Committee to the unpaid intern, she has always been available to help. She has been the glue that has held our Committee and its staff together and we truly appreciate her many important contributions.

Sheila has spent many years supporting our legislative staff in the preparation of documents, charts, tables, and statements. She has the innate ability to create easy-to-read materials that enable Members to read documents and charts and quickly discern the critical information. Having worked for the Full Committee for so many years, she has seen it all and always found a way to get it done.

In addition, although she began her career with the Committee using a typewriter, Sheila always served as our in-house systems administrator. With each new computer program, Sheila became the expert to whom all would appeal with any computer problem or question, of which there are always many. From Word 11 to Microsoft Word, she always had the answer—and the patience to explain it.

One prime example of both Sheila's can-do work ethic and considerable computer skills was her work on the Committee's Democratic Web site. Several years ago, we needed to find a way to more efficiently update our Committee's Democratic Web site. We wanted to be able to provide the public with immediate access to the Democratic position on Committee issues and legislation. Sheila took it upon herself to become our ''Web diva'', as she would say, teaching herself how to post information on the site. Over time, she redesigned the site to make it more user-friendly and to enable users to conduct searches for issues. Within the past four years, the site has received more than 50,000 hits and has become an essential tool for the transportation community.

Sheila's greatest contribution to the Committee flowed from her personal qualities—her genially irreverent style, her interest in her colleagues, and her absolute grace under pressure. Sheila started each day with the theme song to her favorite TV show, Hawaii Five-O, and, after her dance to the song, her ''complaining'' began—she made us all laugh. She genuinely cares about her colleagues and has always been there to help. In essence, Sheila has simply made the Committee a much better place in which to work.

Mr. Speaker, after 30 years of public service, Sheila returns home to Woodland Park, Colorado, to have the opportunity to spend more time with her beloved family, especially her mother. She carries with her our gratitude for her service, and our prayers for good health and happiness in the many years ahead.

HONORING RAYMOND T. WHITE

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. DEUTSCH. Mr. Speaker, today I rise to pay tribute to Raymond T. White. Mr. White is stepping down from his outstanding service to veteran advocacy, and his work deserves our respect, gratitude, and admiration.

Mr. White's commitment to veteran affairs is rooted by his own service to this country. In 1953, he enlisted in the U.S. Air Force to fight in the Korean conflict. His tenure is marked with distinction, and he served as a combat air policeman, a forerunner of the Green Berets. He completed his tour at Mitchell Field, Long Island, and there began his family with his wife, Roberta.

This week, Mr. White relinquishes his duties as commander of the Jewish War Veterans of the United States of America, Department of Florida. He has also served in similar capacities over the past 20 years with veteran organizations such as the American Legion and the Disabled American Veterans. In addition, Mr. White's civic commitment led him to serve as Mayor of New Hyde Park Gardens, NY, in addition to his tenure as Chief of Police in Albertson, NY.

I am happy that Mr. White will enjoy this day in the company of his wife, five children, and nine grandchildren. I am reassured that Mr. White's service to his fellow soldiers has been returned in blessings with a bountiful family.

AMERICAN LUNG ASSOCIATION CELEBRATES 100TH ANNIVERSARY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. KENNEDY of Rhode Island. Mr. Speaker, this year, the American Lung Association proudly celebrates their 100th Anniversary. On this momentous occasion, I would like to recognize this organization for their invaluable

contributions to our Nation. The American Lung Association was founded in 1904 for the purpose of eliminating tuberculosis. As they neared that goal in the middle of the century, they also turned their attention to research, education, and advocacy against other lung ailments, including lung disease and asthma, and their environmental triggers. Each year, more than 360,000 Americans die of lung disease. Responsible for one in every seven deaths, lung disease is the third highest cause of death in America. While the death rates for diseases such as heart disease and cancer are beginning to decrease, the lung disease death rate is climbing. The American Lung Association is needed now more than ever, and I am confident that they will continue to fight to end asthma and other respiratory ailments. I would like to thank their excellent staff and countless volunteers who work around the clock to bring attention to these diseases and educate our communities. I am honored to have worked with this association during the past ten years in Congress, and I would like to once again congratulate the American Lung Association on 100 years of advocacy.

FALLEN HEROES

SPEECH OF

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. BURTON of Indiana. Mr. Speaker, I rise today to offer some reflections on this past Memorial Day. Every year, we as a Nation take time at the end of May to remember those men and women who have given the ultimate sacrifice—their lives—to protect and defend our great country.

For many, Memorial Day Weekend has become the traditional start of the summer season. Parades and celebrations are held across the country, and many families take their first trip of summer to the beach, or hold a big backyard barbeque, or go swimming at the newly reopened community pool. In Indianapolis, we spend the holiday weekend hosting this country's greatest auto race—the Indy 500—where we revel in the thrill of speed and marvel at the latest advancements in automotive design and engine development. The Indy Car fans and the Indy Car family of racers have shown themselves to be among the most patriotic of Americans, and I'm proud to celebrate Memorial Day weekend with such a tremendous group of people year after year. Yet, I fear that in the rush to enjoy the fruits of summer, we all too often forget that we are only able to hold these celebrations, and enjoy the freedom to travel where we want when we want, because of generations of men and women who put their lives on the line to protect and preserve our freedoms.

As our young men and women risk their lives in a global War on Terror, and continue to fight for peace and stability for those who spent years living under tyranny and oppression in Afghanistan and Iraq, I would hope that each of us will pause to remember the true meaning of Memorial Day, then give thanks, and perhaps pray, for those who have willingly put themselves in harm's way to keep us free. Each one—from the most decorated General and Admiral to the lowest ranking enlisted man or woman—from the fighter pilots and gunners to the mechanics, quartermasters, and the cooks—each and every one is a hero.

FALLEN HEROES

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. STUPAK. Mr. Speaker, as we return from observing Memorial Day in our districts, I rise to pay a tribute to a man who made the ultimate sacrifice for his country during the Vietnam War. This weekend, I had the honor of presenting Staff Sergeant Adrian J. Anglim's family with the two Bronze Stars he earned during his service in the United States Army, but never received until last year. His story serves as a shining example of courageous service to his country.

Adrian Anglim was born on January 9th, 1934 in Ironwood, Michigan. After attending St. Ambrose High School in Ironwood and Northern Michigan University in Marquette, he joined the Michigan National Guard. He was serving as a Junior ROTC instructor for Bessemer High School when he was called up to active duty and assigned to Fort Riley, Kansas where he joined the First Infantry Division.

Staff Sergeant Anglim arrived in Vietnam in April 1966 and served with distinction as a member of the First Infantry. His courage and leadership in combat earned him two bronze stars which, thanks to the efforts of his platoon leader, his family has finally received.

To illustrate the debt that our country owes Adrian Anglim, I would like to read two passages from the citations for his bronze stars. The first describes then Staff Sergeant Anglim's performance throughout his combat service. It reads:

For meritorious achievement in connection with ground operations against a hostile force in the Republic of Vietnam during the period 28 April 1966 to 25 August 1966. Through his untiring efforts and professional ability, Staff Sergeant Anglim consistently obtained outstanding results. He was quick to grasp the implications of new problems with which he was faced as a result of the ever changing situations inherent in a counterinsurgency operation and to find ways and means to solve those problems. The energetic application of his extensive knowledge has materially contributed to the efforts of the United States Mission to the Republic of Vietnam to assist that country in ridding itself of the communist threat to its freedom. Staff Sergeant Anglim's initiative, zeal, sound judgment, and devotion to duty have been in the highest tradition of the United States Army.

The second citation accompanied Sergeant Anglim's Bronze Star with a ''V'' device, signifying valor. This medal was awarded for Anglim's heroism the day that he gave his life for his country. It reads:

For heroism on 25 August 1966 in the Republic of Vietnam while participating in an operation in Binh Duong Province when called to assist a Long Range Reconnaissance Patrol heavily engaged with the Viet Cong Phu Loi Battalion. As his company approached the enemy camp it encountered intense enemy fire. At great personal risk, he moved among the platoon to establish a defensive position. His leadership under intense fire enabled his men to occupy defensible terrain in front of the enemy trench line. By this time, his element had been reduced to himself and one rifleman. Using one remaining radio and company mortars, the platoon leader and Sergeant Anglim devised a plan to suppress enemy mortars directly to their front. While under constant enemy fire, Sergeant Anglim was able to provide directions for the adjustment of company mortars, forcing the enemy to displace twice. While directing fire on their third location, he was killed instantly by enemy small arms fire. His heroic actions enabled other units to maneuver to engage the enemy and block their escape. Sergeant Anghm's exemplary courage was in keeping with the finest traditions of military service and reflects great credit upon himself, his unit, and the United States Army.

Mr. Speaker, I also want to mention Sergeant Anglim's family. After his tragic death, Sergeant Anglim's wife Marilyn raised their three children on her own, which is no small feat. Today, their twins Van and Ann are 46. Van is an employee of the Defense Department working on missile systems. Ann is working as the facilities manager for the Ann Arbor Public Schools in Ann Arbor, Michigan. Their son Paul is 42 and a Lieutenant with the Wyoming, Michigan Police Department.

As Adrian Anglim's children grew up and tried to learn more about the father they never really knew, they talked to James Holland, who was their father's platoon leader in Vietnam. They were able to learn what had happened to their father from someone who was there, and who benefited from his heroism.

When Mr. Holland realized that Sergeant Anglim's family had never received the additional medals that he had earned, he took steps to see that those recommendations reached the Army and that Sergeant Anglim was finally recognized for his bravery in battle. I had the honor of presenting those medals to Marilyn Anglim and her children in a ceremony at the American Legion Post #71 in Gladstone, Michigan this past weekend.

Mr. Speaker, Adrian Anglim served his country bravely and deserves our deepest gratitude for his service and his ultimate sacrifice. I ask that the House join me in honoring this fallen American soldier.

FALLEN HEROES

SPEECH OF

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 2004

Mr. THOMAS. Mr. Speaker, I rise today to remember the brave men and women who lives have been lost in the War on Terror. I am privileged to represent several military installations, including Edwards Air Force Base, China Lake Naval Air Warfare Center, Weapons Division, Camp San Luis Obispo and Camp Roberts. Thousands of active duty military, Reservists, National and California Guardsmen and women and civilian defense contractors serve our country at these installations every day. Four young men from the 22nd Congressional District of California, that I represent, have given the ultimate sacrifice for their country, and I would like to honor them today.

Army Private First Class Michelangelo Mora Jr., age 19, of Arroyo Grande, California, was

killed in Najaf, Iraq on May 14, 2004. He was buried at the Arroyo Grande District Cemetery on May 24, 2004. Pfc. Mora attended the military-style Grizzly Youth Academy at Camp San Luis Obispo and received his GED there. After working for a year, Pfc. Mora enlisted in the Army with his family's support. His family and the community of Arroyo Grande mourn the loss of an outgoing young man who was looking forward to returning home after his tour with the 3rd Squadron, 2nd Armored Cavalry Regiment, 1st Cavalry Division.

Army Sergeant Marvin Sprayberry III, age 24, of Tehachapi, California, was killed in Balad, Iraq on May 3, 2004. He was buried at Arlington National Cemetery on May 14, 2004. Sgt. Sprayberry's family journeyed across the country to bury a young man they remember as a loving husband to his wife Nadja and a devoted son who called home every Saturday to tell his parents he was okay. Sgt. Sprayberry joined the Army soon after his 1997 graduation from Tehachapi High School, and he spent a tour in Germany where he met Nadja, and two tours in Kosovo before his deployment for Operation Iraqi Freedom as a Bradley tank mechanic. The community of Tehachapi mourns his loss.

Army Staff Sergeant David S. Perry, age 36, of Bakersfield, California, was killed August 10, 2003 in Baquabah, Iraq. Perry was assigned to 649th Military Police Company, U.S. Army National Guard, Camp San Luis Obispo. Staff Sgt. Perry's 'real job' was as a prison guard at Wasco State Prison, and he was known for his reliability and love for his family. He joined the military after high school, and then later joined the National Guard; he had been assigned to the 649th for about 10 years. Staff Sgt. Perry's wife and children, along with the citizens of Bakersfield, mourn his loss.

Staff Sergeant Brian ''Cody'' Prosser, age 28, of Frazier Park, California, was killed in Afghanistan on December 5, 2001. He was buried at Arlington National Cemetery on December 17, 2001, and I was privileged to join his family and fellow Green Berets to pay tribute to this young man who chose to leave his close-knit community in the Los Padres National Forest to serve his country in the Special Forces. Frazier Park remembers Staff Sgt. Prosser as the captain of the Maricopa High School football team and the 'Most Spirited' in his senior class.

In addition, I would like to remember two other soldiers who died in Iraq and who are mourned by their families that are constituents in my district.

Army Sergeant Michael W. Mitchell, age 25, of Porterville, California, was killed in Sadr City, Iraq on April 4, 2004. Sgt. Mitchell's father lives in Atascadero, California, and he has been deeply affected by the loss of his son. Sgt. Mitchell was assigned to the Army's 2nd Battalion, 37th Armor Regiment, 1st Brigade, 1st Armored Division, Ray Barracks, in Friedberg, Germany, where he met his fiancée, Bianca. He is remembered by his community as a dedicated and disciplined athlete.

Army Staff Sergeant Richard A Burdick, age 24, of National City, California, was killed December 10, 2003 in Mosul, Iraq. Staff Sgt. Burdick's mother lives in Ridgecrest, California, and his wife and children were living in Lancaster, California at the time of his death. He loved his family and was dedicated to his country, coming from a family of military men. Staff Sgt. Burdick's great-grandfather served in WWI, his grandfather served in WWII, and his father served in the Navy for 21 years. His local communities mourn his loss.

I ask my colleagues to reflect with me on the lives of these six men and the many others from past and current conflicts who have given their lives in service of their country.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mrs. JONES of Ohio. Mr. Speaker, had I been present for the following: Rollcall vote No. 212, H. Con. Res. 417, Honoring the Tuskegee Airmen and their contribution in creating an integrated United States Air Force, the world's foremost Air and Space Supremacy Force;

Rollcall vote No. 211, H. Con. Res. 612, Recognizing and honoring the firefighters, police, public servants, civilians, and private businesses who responded to the devastating fire in Richmond, Virginia, on March 26, 2004; and

Rollcall vote No. 210, Congratulating and saluting Focus: HOPE on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States, I would have voted in the affirmative.

CONGRATULATE AND HONOR 28 OUTSTANDING HIGH SCHOOL ARTISTS FROM THE 11TH CONGRESSIONAL DISTRICT OF NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. FRELINGHUYSEN. Mr. Speaker, once again, I come to the floor to recognize the great success of strong local school systems working with dedicated parents and teachers in raising young men and women. I rise today to congratulate and honor 28 outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students participated in the Annual Congressional Arts competition, ''An Artistic Discovery.'' Their works are exceptional!

Mr. Speaker, I would like to list each of them, their high school, and their contest entries for the official Record.

We had 28 students participate. That is a tremendous response and I would very much like to build on that for next year's competition.

This year, Mr. Speaker, the winner of ''An Artistic Discovery'' was Elaina Filauro from Morris Knolls High School for the work entitled ''Birthday Baby.'' Second place went to Lina Chung from Millburn High School for ''Me.'' Third place and the Viewer's Choice Award was given to Mark Tumiski from Ridge High School for the work titled ''Interface.''

Honorable mentions were awarded to Sophia Casas of Ridge High School for ''One Love,'' Jeffrey Hanft of Ridge High School for ''From the Window,'' Patrick Marvin of Mount Olive High School for ''The Fade,'' Eileen Choi of Millburn High School for ''Still Life,'' Chih Chun Mei of Livingston High School for ''My Life,'' and Miguel Cruz of Roxbury High School for ''Patriotic Still Life.''

Excellent art work was also submitted by Boonton High School's Cydny Pina ''Self Portrait,'' Sarah Castronovo ''Clashing,'' Jonathan Tindall for ''Self Portrait,'' Nataliya Yermolenko for ''Self Portrait;'' Livingston High School's Nadar Lipkin for ''Last Minute Study,'' Paul Imperio for his untitled work, Dave Krause for his untitled work, Joey Sbarro for ''Transcendence;'' Roxbury High School's Ryan Jouas for ''Self Portrait #1;'' Morris Knolls High School's Kassandra Condit for '' Rock Ridge,'' Allyson Harvey for ''Mindful Solitude,'' Erin Gotthelf for ''Looking In a Box;'' Millburn High School's Sarah Maurer for ''Oska,'' Sarah Burford for Two-Faced;'' Montville High School's Elizabeth Lagerstrom for ''Reflection and Shadow,'' Julia Hermanowski for ''Colors of Self-Reflection,'' Jenny Kong for ''Apple Picking,'' Yena Lee for ''Art Museum;'' and Ridge High School's Alice Yan for ''Through the Looking Glass.''

Each year the winner of the competition's art work hangs in a special corridor here at the U.S. Capitol with other winners from across the country. Every time a vote is called, I get a chance to walk through that corridor and am reminded of the vast talents of our young men and women.

Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

Mr. Speaker, I urge my colleagues to join me in congratulating these talented young people from New Jersey's 11th Congressional District.

50TH ANNIVERSARY OF THE VILLAGE OF WOLVERINE LAKE, MICHIGAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. McCOTTER. Mr. Speaker, I rise today to acknowledge and honor the Village of Wolverine Lake, Michigan on the occasion of its 50th anniversary. Incorporated on April 5, 1954 under the State of Michigan's long tradition of Home Rule, the Village of Wolverine Lake's caring citizens, diligent community leaders, superior schools, and vibrant economy accumulate and constitute an exceptional civic life for its citizens.

The Village of Wolverine Lake's rich history dates back to 1919, when Dr. Howard Stuart's efforts led to the construction of a dam connecting several area lakes to form Wolverine Lake. Local residents then established the Consolidated Subdivision of Wolverine Lake Neighborhood Association to maintain and protect the beauty of Wolverine Lake. The Village of Wolverine Lake has now grown to a population of more than 4000 residents. Undoubtedly, the Village of Wolverine Lake will continue to fulfill its promise of boundless opportunity and beauty for its people.

Mr. Speaker, today I ask you and my esteemed colleagues to please join me in congratulating the Village of Wolverine Lake on their very special anniversary.

TRIBUTE TO AMBASSADOR C.J. CHEN OF THE REPUBLIC OF CHINA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. BURTON of Indiana. Mr. Speaker, soon Ambassador C.J. Chen of the Republic of China (ROC) will be returning to Taiwan after serving as his country's chief representative in the United States for the last four years. I would like to take this opportunity to congratulate and salute Ambassador Chen for everything he has done to improve the political, economic, and cultural ties between the United States and Taiwan during his service here in Washington, D.C.

The Republic of China has been one of our most important and loyal allies in the World; and Ambassador Chen has worked diligently to strengthen the ties that bind our two great Nations despite the lack of formal diplomatic relations between the U.S. and Taiwan. Today, U.S.-Taiwan relations are the best they have been since the late 1970s. In fact, Taiwan and the United States are friends and partners, not merely allies, and I think that in large measure this is due to the tireless efforts of Ambassador Chen.

An expert in international law and diplomacy, Ambassador Chen has spent 37 years in the diplomatic service of the Republic of China on Taiwan—with over half of his career spent here in the United States. In fact, he has been assigned to Washington, D.C., three different times, beginning as a third secretary in the ROC Embassy in 1971. In 1983, he began a seven-year stint as Deputy Representative far Taiwan's Representative Office, and in 2000, he started his present job as Representative. Over the course of his long and distinguished career, C.J. has also held several prominent positions within Taiwan's government, serving as Foreign Minister, Government Spokesman, and Legislator.

During the past four years, Ambassador Chen has forged many close personal relationships and made hundreds of friends—I am proud to count myself among that company—proving that he was one of the hardest-working diplomats and also one of the most gracious hosts, on Embassy Row. With respect, graciousness, and a keen sense of humor, whit, Ambassador Chen has helped many American audiences, large and small to more fully understand the sometimes difficult issues relating to Taiwan, such as Taiwan's recent Presidential elections and national referendum. He has also helped put into perspective Taiwan's military needs, Taiwan's efforts to join international organizations like the World Health Organization, and Taiwan's economic and political achievements, especially in the area of human rights and freedom of the press, where the actions of Taiwan stand in stark contrast to the brutal perpetrators of the Tiananmen Square massacre.

Mr. Speaker, I am personally sad that Ambassador Chen and his beautiful wife, Yolanda Ho, are leaving Washington. It is a little-known fact that Yolanda—a renowned designer in Taiwan's textile and apparel industry—actually designed the wedding gown for Linda Hall Daschle when she married the current Senate Minority leader, TOM DASCHLE of South Dakota. I hope that they will both look back fondly upon their years in Washington as a valuable and rewarding time. The diplomatic and cultural community of Washington will certainly be diminished by their absence. Nevertheless, we are grateful for the time they could spend here, and I know that they will both continue to make lasting contributions to the future enrichment of relations between Taipei and Washington. I wish them all the best for a successful and happy future, which they so deeply deserve.

RECOGNIZING THE BRAMLEY FUNERAL HOME IN DIVERNON, IL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize Bramley Funeral home in Divernon, Illinois on the occasion of its 80th anniversary on June 6, 2004.

Bob Bramley helped his late father, Chester Bramley, in the family's mortuary business many years ago. Bob graduated from high school in 1939 and went to work as a clerk for the C & IM Railroad; served in the armed forces from 1942 to 1946 as a Master Sergeant in the Army Medical Corp. In 1947, he attended mortuary school in Saint Louis, Missouri and graduated in 1948. Bob and his wife Carolyn were married on December 27, 1947, and worked with his father until his father passed away in 1967. The Bramley's also operated an ambulance service, which discontinued service in 1981.

Tim Bramley, Bob and Carolyn's son, went to mortuary school in Carbondale, Illinois and received his license in 1979. Tim then went to work at the Bisch Funeral Home in Springfield, Illinois for 13 years. Tim left Bisch Funeral Home and went to work with his father when the Bramley's opened a second funeral home in Auburn, Illinois on June 4, 1991. Tim's daughter Sarah graduated from the Carl Sandburg Mortuary School in Galesburg, Illinois in May of 2003 and is currently serving as an apprentice with her grandfather and father.

In addition to the family's business, Bob has also worked for the Postal Service for 22 years, kept books for the Divernon School District for 30 years, and worked as the Village treasurer for 49 years. Bob also served many years the secretary and treasurer of the Divernon Fire Protection District and is currently the secretary and treasurer of the Brush Creek Cemetery Board, a position which he has held for 45 years.

Bob states that his wife, Carolyn, has always been there in the background; her help and support have been invaluable to him throughout the years. Mr. Bramley feels strongly about providing this service to the community, even though being in a small town is difficult because every person who passes away is your friend. Mr. Bramley has dedicated his whole life to the community and the village of Divernon has recognized June 6, 2004 as "Bob Bramley Day."

FALLEN HEROES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to the brave men and women who have served our nation by paying the ultimate sacrifice in defense of freedom and democracy.

While we should honor all our nation's veterans both living and dead throughout the year, on this particular Memorial Day, we pay tribute to the nation's World War II veterans. On May 29th, the World War II memorial, a fitting tribute to "the Greatest Generation," will be dedicated on the National Mall. Hundreds of thousands of World War II veterans and their families will visit the memorial which is a permanent reminder to us and to future generations that the sacrifices made by the soldiers who served overseas, their families, and the Americans who were on the homefront, saved the world from tyranny. From the beaches of Normandy to the Battle of Midway to the construction of the China-Burma-India Road, these soldiers fought for a cause bigger than themselves.

One of these heroes, Michel Thomas, resides in my congressional district and recently was awarded the Silver Star for his extraordinary courage during World War II. I, along with Senator John McCain (R–AZ), worked with the Department of Defense on Mr. Thomas's behalf so that he finally would receive the honor he so justly deserves.

Michel Thomas was born in Poland to a Jewish family with a thriving textile business. In 1933, he fled Hitler's regime in Germany for France. Thomas last saw his family in 1937. He later learned they were all murdered at Auschwitz.

During the war, he survived two years of concentration and slave labor camps in Vichy France and narrowly escaped deportation to Auschwitz. He joined the Secret Army of the French Resistance, where he was active for two years as a commando leader. In 1943, Thomas was caught by and escaped from Klaus Barbie, the notorious Butcher of Lyon. The next year Thomas served in Combat Intelligence in the 180th Regiment of the U.S. Army 45th Division, The Thunderbirds, and was nominated for the Silver Star for his bravery.

On April 29, 1945, Thomas, an agent in the U.S. Army's Counter Intelligence Corps (CIC), arrived at Dachau concentration camp on the day of liberation. Thomas interrogated and photographed the crematorium workers. Two days later Thomas captured the "Hangman of Dachau," Emil Mahl, who was subsequently convicted of war crimes.

In early May 1945, Thomas tracked a convoy of trucks to a paper mill outside Munich, where he rescued from destruction the Nazi Party's worldwide membership card file of over ten million members. The Nazi leadership had shipped the cards, along with tons of other important Third Reich government documents, to be pulped in the final days of the war. These documents became the heart of the collections of the U.S.-run Berlin Document Center, and were crucial in the Nuremberg war crimes trials and in the denazification of Germany.

In 1946, Thomas helped to capture Gustav Knittel, who was convicted of war crimes for

his role in the Malmedy massacre of American POWs at the Battle of the Bulge. I am proud to honor Michel Thomas for his heroism.

On Memorial Day, it is fitting that we honor all the men and women of the Armed Forces who have served their nation throughout history including those who are currently risking their lives around the world, including in Afghanistan and Iraq. I have been to both countries twice and have visited with soldiers from New York and across the country. I especially want to note the contributions of the 10th Mountain Division from Fort Drum under General Austin's leadership, and the 1st Battalion, 69th Infantry Division of the New York Army National Guard, located in my district, who just shipped out to Iraq on Monday. While they are serving in Iraq, I will be fighting to pass legislation to ensure that they receive full military retirement credit for their days of service at Ground Zero after the terrorist attacks of 9/11.

I am pleased to note that today we are passing legislation to correct a longstanding inequity in survivor benefits for the spouses of our fallen veterans. The ''National Defense Authorization Act for Fiscal Year 2005'' provides for a 5-year phase-in to eliminate the Widow's Tax. This unfair tax penalizes the widows and widowers of military retirees by reducing their Survivor Benefit Plan benefit from 55 percent of the retiree's pension to 35 percent once they reach age 62, normally the same age she or he is eligible for Social Security. The Social Security benefit the surviving spouse receives is often less than the reduction in the benefit, which results in a net loss of income. This legislation brings long overdue relief to the surviving spouses.

I will continue to support the members of Armed Forces in every way that I can. We owe all of them a debt of gratitude which we can never repay. They helped to make this country what it is today, and they have brought peace to other nations across the globe.

I would like to thank my colleagues from New York Representatives RANGEL and WALSH for organizing today's moment of silence for America's fallen soldiers.

HONORING THE FRATERNAL ORDER OF EAGLES AERIE 629 (DORT HIGHWAY)

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to bring to your attention that during the month of February 2004 the Fraternal Order of Eagles Aerie 629 (Dort Highway) of Flint, Michigan celebrated their 100th year of brotherhood.

The Fraternal Order of Eagles formerly known as the ''Seattle Order of Good Things'' was founded in Seattle, Washington on February 6, 1898. The organization's informal slogan is '' People Helping People'' (F. Hector Gauthier, North Uxbridge, Mass.) Six short years later, on February 17, 1904 the Flint Dort Highway Fraternal Order of Eagles Aerie 629 chapter was chartered with 61 members. Former Flint Mayor George McKinley was the chapter's first President and Floyd Simson a Pharmacist/Drugstore owner was the Secretary. The club held meetings in the old Woolworth building twice a month until they relocated to the 2nd floor of the State Theater in June of 1905. In 1907 they moved to Castel Hall where they occupied the entire 3rd floor. As the organization's location changed so did its membership. In 1938 their Auxiliary was chartered with 71 members while located at the Smith and Waters building, which was purchased from Dort Motor Company in 1922. The club added a 10,000 square foot addition to the building which they called home until a fire destroyed the building and forced them to move to the second floor of the Samons building located at First and Garland. They remained there until 1980 when they purchased the building known as the Freeman Ice Cream Building. The organization began remodeling efforts immediately, with most of the work being done by its members. The building was completed in 1981 and a banquet hall was added just in time for their 1984 District Wide Initiation. New candidates from all the clubs in District Four were initiated during the event. The Fraternal Order of Eagles is an organization committed to the American people. Throughout its 100 years, they have strived on a daily basis to make this country a better place for all. This is an extraordinary club of men working for the betterment of our nation. I am proud to say that there is a chapter in my hometown of Flint addressing the needs of my community.

Mr. Speaker, many people have greatly benefited from the generosity of these fine men. They are indeed men of moral character committed to improving the welfare and dignity of those in need. I ask my colleagues in the 108th Congress to please join me in paying tribute to the Fraternal Order of Eagles Aerie 629 (Dort Highway) Flint Chapter as they celebrate 100 years of solid brotherhood and in wishing them the very best in future endeavors.

RECOGNIZING THE MERCURY NEWS FOR ITS ARTICLE ''DISCOUNT CARD DOUBT''

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mr. STARK. Mr. Speaker, I rise today to recognize an outstanding piece of journalism that appeared in The Mercury News in San Jose, California. The article, ''Discount Card Doubt'' presents the realistic confusion Medicare beneficiaries face in choosing a discount card. As the Centers for Medicare and Medicaid Services and individual card sponsors bombard beneficiaries with glossy marketing materials, I am proud to know that my constituents are receiving a fair and balanced account of the drug card debacle. I would like to thank Barbar Feder Ostrov for her exceptional reporting, and for informing the people of my district about the benefits and dangers of the Medicare approved drug discount card program.

It is with pleasure that I submit the attached article, ''Discount Card Doubt,'' for inclusion in the CONGRESSIONAL RECORD. The article originally appeared in the May 26, 2004 edition of The Mercury News.

DISCOUNT CARD DOUBT

COMPLICATED SYSTEM: CHOOSING ONE OF 73 PLANS IS A HASSLE, SENIORS SAY

(By Barbara Feder Ostrov)

Betty Cozzi is trying to keep an open mind about the new Medicare discount cards. Last week, she dutifully sat through a presentation with a nice lady showing PowerPoint slides at Cambrian Center, the San Jose senior apartment complex where she lives.

But the whole thing is pretty annoying, in her view.

''They've made it so complicated,'' said Cozzi, who is 71. ''We should be able to sit down and read the information without being talked to like we're second-graders. And I don't even know if the card will help me.''

As Medicare drug discount cards go ''live'' next Tuesday, seniors like Cozzi are wading through a swamp of conflicting and sometimes downright inaccurate information as they assess which card they want to buy—that is, if they want to buy one at all.

The cards, which offer Medicare recipients discounts on both brand-name and generic prescription drugs, are the first of a series of Medicare prescription drug reforms providing temporary relief from rising medication costs until a larger benefit takes effect in 2006.

Some cards are free, while others can cost up to $30. They offer discounts of 15 percent to 20 percent on the average retail prices for brand-name drugs, with deeper discounts of 30 percent to 60 percent on generics, according to the Centers for Medicaid and Medicare Services, the federal agency that oversees Medicare.

About 3.2 million seniors in California could benefit from the discount cards, saving about $515 million on their medications in 2004 and 2005, the years when the cards will be available, according to a study released last week by the Business Roundtable, a trade group for chief executives of large corporations. The study also found that about 105,000 California seniors will qualify for a $600-a-year credit for low-income people that can be applied toward drug purchases made with the cards in 2004 and 2005.

But seniors may find deeper discounts purchasing from Canadian pharmacies, U.S.-based mail order houses or even Costco, as a Mercury News analysis of 10 common drugs shows (see chart).

NOT MUCH SAVINGS

A little-known state program in which participating pharmacies offer prescription drug discounts to California Medicare recipients was the most expensive option for some drugs, the analysis shows.

Cozzi, a retired executive secretary, isn't poor enough to qualify for the $600–a-year credit, but her income is limited enough that she only takes Plavix, an expensive drug that prevents strokes and heart attacks, every other day, rather than the daily dose her doctor recommends.

Plavix, which isn't available as a cheaper generic, can cost nearly $1,500 annually, and Cozzi must also take other medications like Lipitor, which can cost an additional $800-plus each year. She tries to save money by ordering her drugs through a U.S. mail-order service offered by her supplemental Medicare insurance.

Cozzi said she is just starting to research which Medicare discount card might be best for her, but it's a trying endeavor. There are 73 different Medicare-approved cards, and every one covers different drugs, with pricing that can change weekly. Once Cozzi buys a card, she won't be able to buy a different one this year.

She has a few options: She can call (800) MEDICARE and ask a representative which

cards cover the medicines she takes. She can call the Health Insurance Counseling Assistance Program, which helps California seniors navigate Medicare, where a counselor can help her determine which card will provide the lowest prices on her medications.

''This should be a lot more simple,'' Cozzi said. ''But I guess some discount is better than nothing.''

Although Medicare was rapped earlier this month for long waits on its telephone hotline, it has added workers to ease the backlog. On two different afternoons last week, there was only a one-minute wait to speak to a representative on the hotline.

Cozzi also can go online to www.medicare.gov, where she will encounter a complex drug search engine that some seniors have criticized for providing inaccurate information. And she can visit her local pharmacy for card applications, but if it's a chain that offers its own card, it may not display information about competing cards that might save her more.

NOT WORTH IT FOR SOME

''People are finding it very complicated,'' said Vicki Gottlich, an attorney with the Center for Medicare Advocacy, a public-interest law firm.

''We're hearing from highly educated, highly competent people that it just may not be worth it,'' Gottlich said. ''They're not sure the discounts are that great and the information they're finding is accurate.''

Gottlich recommends that seniors verify with their own pharmacists the information they receive from the Medicare Web site or telephone representative, because in some cases, pharmacists haven't been notified about the discounts or whether their pharmacy is in a particular card's network.

HMO DISCOUNT CARDS

While Cozzi has a supplemental Medicare plan that allows her to purchase any card she wants, some seniors with Medicare HMOs such as Kaiser Permanente's Senior Advantage may only apply for the cards offered by their HMO.

That irks Kaiser member Caroline Castiglione of East Palo Alto. Castiglione could purchase Kaiser's Medicare discount card for $30, but it will save her only $1.40 a year on Fosamax, a brand-name osteoporosis drug, at Kaiser pharmacies. She called a nearby, non-Kaiser pharmacy to see what discount the Kaiser card might offer, but the pharmacist didn't know.

''To pay $30 to save $1.40, it doesn't make sense,'' said Castiglione, who is 81. ''I don't buy a pig in a poke, I want to know what I'm buying. I'm very frustrated.''

DISAPPOINTMENT WITH REVISED CONFERENCE REPORT REGARDING THIS YEAR'S HEALTH AND HUMAN SERVICE BUDGET PROPOSAL WITH RESPECT TO MINORITY HEALTH AND THE HEALTH OF AMERICA'S MOST VULNERABLE

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 2, 2004

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to share my deep disappointment about the revised Conference Report regarding this year's Health and Human Service budget proposal and how it impacts change for minority health and the health of America's most vulnerable populations. The House conference report can only be viewed as a slap in the face and an insincere gesture to address systemic health problems faced by minorities and women. With few exceptions, the conference report includes policy-based numbers only for 2005 and provides but meaningless placeholder numbers for 2006 through 2009.

The Budget Act requires that the budget resolution cover five years: this conference report clearly violates the spirit of that requirement by providing in essence only a shell of a five-year budget resolution. It has been a quarter of a century since a budget resolution conference report covered only one year.

Mr. Speaker, this budget mainly benefits the healthy and the wealthy, because the conference agreement provides only $864.3 billion for 2005 discretionary funding, including the $50 billion for operations in Iraq and Afghanistan. Excluding funding for these operations, the total is $8.6 billion less than the President's already dismal budget sent to Congress back in February.

The conference agreement increases funding for both national defense and homeland security, and cuts 2005 funding for domestic programs by $7.6 billion—below a freeze at the 2004 enacted level and by $18.3 billion below the level needed to maintain services at the 2004 level. Excluding the increases for homeland security, the conference agreement cuts the remaining domestic programs even more. The conference agreement contained deep and arbitrary cuts to healthcare programs that are critical to serving minority populations.

Over five years, the budget cuts spending for mandatory health programs by $905 million. Medicaid constitutes over 90 percent of the dollars for these programs, so it is likely that Medicaid will bear the brunt of these spending cuts, if they are enacted. But this is just the beginning Mr. Speaker. The budget cuts funding for the uninsured by slashing HCAP, the Healthy Community access program, from $120 million to $10 million.

The House's conference report slashes Health Professions funding by 70 percent, from $409 million to $126 million, eliminating funding for important programs to address the nursing shortage and to train health professionals for cultural competence. New York alone will receive a cut of $22 million.

The House's conference report cuts the Public Health Improvement accounts in half. Reductions to this account not only jeopardize the electronic information infrastructure, and other activities needed to monitor and respond to bioterrorism, but also affect programs to eliminate racial disparities.

The House's conference report slashes rural health activities by $91 million below this year's enacted level—or by 64 percent. This cut includes eliminating the $39 million rural health flexibility grant program and drastically cutting back rural health outreach grants, used to expand clinical services in rural areas.

The House's conference report provides an inadequate increase of only 2.6 percent for NIH. According to patient and research advocates, NIH must receive budget increases of 8 to 10 percent to capitalize on the progress being made in biomedical research. The Bush budget will not even allow NIH to continue existing grants.

The House's conference report cuts funding far the Office of Minority Health by 15 percent from this year's enacted level. This office supports disease prevention, health promotion, service demonstration, and educational efforts that focus on health concerns that cause the high rate of disease in racial and ethnic minority communities. In addition, it does not propose to reauthorize the Office, whose authorization expires in 3 years. This is a very bad omen, in the face of the large and growing healthcare disparities in minority communities.

The House's conference report cuts bioterrorism hospital preparedness grants by $39 million. This will leave a host of unfunded Federal mandates and will further burden already strained resources at hospitals that serve minority and rural communities.

The House's conference report zeroes outs the healthcare facilities improvement projects, halting all healthcare infrastructure projects that are supported through Federal contracts. Many of the projects are in rural and urban communities that serve minority populations.

The House's conference report only levelfunds grant programs for organ transplantation and bone marrow donor registry, which has helped a number of people in underserved communities to get transplants.

The House's conference report also levelfunds the telehealth program, which has been instrumental in providing healthcare in rural and Native American communities that currently lack healthcare infrastructure and service providers.

The House's conference report freezes funding for the Indian Health Service's health professions program, diabetes grants program, and medical equipment program. Native Americans have the highest rate of diabetes and the lowest production of health professionals in the Nation.

The House's conference report freezes funding for the mentoring of children of prisoners, for programs that address developmental disabilities, violence against women, and runaway and homeless youth programs in the Department's Administration for Children and Families.

In addition it cuts $33 million from the Early Learning Fund and $3 million from the Child Abuse Discretionary Activities account. Both programs support a number of organizations in minority communities.

Mr. Speaker, our healthcare system in this country is currently in peril. It is falling short on promise and contributing to the disabling illness and premature death of the people it is supposed to serve. The picture is the worst for minority populations, who for almost every illness are impacted most severely and disproportionately.

Today we know that much of it happens because, even when minorities have access to care, the medical evaluations and treatments that are made available to everyone else are denied to them—not only in the private sector but in the public system as well. Acknowledging this, we worked with the other minority caucuses and the progressive caucus to close the gaps in funding for programs that would close these gaps in the CBC budget. While our measure garnered a record number of votes, it failed.

We also worked with the Senate and got an amendment included in their budget resolution for an additional $400 million to be dedicated for minority health, and it is our sincere hope that the amendment is included in the final budget report and that it will be treated as a clear signal to appropriators on the need to address the health concerns of minority populations.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 3, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 4

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employment situation for May.
SD–628

10 a.m.
Judiciary
To hold hearings to examine pending judicial nominations.
SD–226

JUNE 8

10 a.m.
Health, Education, Labor, and Pensions
Aging Subcommittee
To hold hearings to examine the arthritis epidemic.
SD–430

Energy and Natural Resources
To hold hearings to examine the nomination of Suedeen G. Kelly, of New Mexico, to be a Member of the Federal Energy Regulatory Commission.
SD–366

Finance
To hold hearings to examine the Medicare Drug Card, focusing on delivering savings for participating beneficiaries.
SD–215

Indian Affairs
To hold hearings to examine S. 2436, to reauthorize the Native American Programs Act of 1974.
SR–485

Judiciary
To hold an oversight hearing on the activities of the Department of Justice, focusing on terrorism and other related topics.
SD–226

2 p.m.
Judiciary
Constitution, Civil Rights and Property Rights Subcommittee
To hold hearings to examine hostility to religious expression in the public square.
SD–226

2:30 p.m.
Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the challenges and successes the U.S. Food and Drug Administration (FDA) has experienced since the passage of the Dietary Supplement Health and Education Act of 1994.
SD–342

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 931, to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on visitors to units of the National Park System and on other recreational users of public land, S. 1678, to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, S. 2140, to expand the boundary of the Mount Rainier National Park, S. 2287, to adjust the boundary of the Barataria Preserve Unit of Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and S. 2469, to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.
SD–366

JUNE 9

9:30 a.m.
Foreign Relations
To hold hearings to examine international intellectual property piracy.
SD–419

10 a.m.
Governmental Affairs
To hold hearings to examine the amount the Department of Defense spends on unused airline tickets.
SD–342

Indian Affairs
To hold an oversight hearing to examine the No Child Left Behind Act; to be followed by a business meeting to consider pending calendar business.
SR–485

Judiciary
To hold an oversight hearing on activities of the Department of Homeland Security, focusing on terrorism and other related topics.
SD–226

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

JUNE 10

9 a.m.
Armed Services
To hold hearings to examine the transition to sovereignty in Iraq, focusing on U.S. policy, ongoing military operations, and status of U.S. Armed Forces.
SH–216

JUNE 14

3 p.m.
Foreign Relations
To hold hearings to examine the nominations of Thomas Fingar, of Virginia, to be Assistant Secretary of State for Intelligence and Research, and Ralph Leo Boyce, Jr., of Virginia, to be Ambassador to Thailand.
SD–419

JUNE 16

10 a.m.
Indian Affairs
To hold hearings to examine S. 1530, to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.
SR–485

2 p.m.
Indian Affairs
To hold hearings to examine S. 1996, to enhance and provide to the Oglada Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program.
SR–485

JUNE 17

9:30 a.m.
Foreign Relations
To hold hearings to examine Council of Europe Convention on Cybercrime (the ''Cybercrime Convention'' or the ''Convention''), which was signed by the United States on November 23, 2001 (Treaty Doc. 108–11), United Nations Convention Against Transnational Organized Crime (the ''Convention''), as well as two supplementary protocols: (1) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and (2) the Protocol Against Smuggling of Migrants by Land, Sea and Air, which were adopted by the United Nations General Assembly on November 15, 2000. The Convention and Protocols were signed by the United States on December 13, 2000, at Palermo, Italy (Treaty Doc. 108–16), Inter-American Convention Against Terrorism (''Convention'') Adopted at the Thirty-second Regular Session of the General Assembly of the Organization of American States (''OAS'') Meeting in Bridgetown, Barbados, and signed by thirty countries, including the United States, on June 3, 2002 (Treaty Doc. 107–18), and Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures done at Brussels on June 26, 1999 (Treaty Doc. 108–6).
SD–419

JUNE 23

10 a.m.
Indian Affairs
To hold an oversight hearing to examine Indian Tribal Detention facilities.
SR–485

JUNE 24

10 a.m.
Foreign Relations
To hold hearings to examine U.S. policy toward Southeast Europe, focusing on unfinished business in the Balkans.
SH–216

SEPTEMBER 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
345 CHOB

POSTPONEMENTS

JUNE 16

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine the grounding of multi-engine fire-retardant aircraft, steps the Forest Service and Department of the Interior have taken to provide alternative aerial support for initial attack and extended attack fire fighting operations in the short run, and the feasibility and desirability of designing and implementing an inspection process to allow the use of multi-engine fire-retardant aircraft in the future.
SD–366

Daily Digest

Highlights

The House failed to pass H.J. Res. 83, proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives.

Senate

Chamber Action

Routine Proceedings, pages S6299–S6385

Measures Introduced: Seven bills and one resolution were introduced, as follows: S. 2487–2493, and S. Res. 369. **Page S6348**

Measures Passed:

Honoring WW II Service: Senate agreed to S. Res. 369, expressing the sense of the Senate in honoring the service of the men and women who served in the Armed Forces of the United States during World War II. **Pages S6324–36**

American Indian Probate Reform Act: Senate passed S. 1721, to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, after agreeing to the committee amendment in the nature of a substitute. **Pages S6367–84**

Department of Defense Authorization Act: Senate resumed consideration of S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, taking action on the following amendments purposed thereto: **Pages S6307–23, S6336–38**

Adopted:

By 70 yeas to 25 nays (Vote No. 105), Graham (SC)/Daschle Amendment No. 3258, to amend title 10, United States Code, to expand certain authorities to provide health care benefits for Reserves and their families. **Pages S6307–23**

By a unanimous vote of 95 yeas (Vote No. 106), Warner Modified Amendment No. 3260, to authorize appropriations for a contingent emergency reserve fund for operations in Iraq and Afghanistan. **Pages S6336–38**

Pending:

Graham (SC) Amendment No. 3170, to provide for the treatment by the Department of Energy of waste material. **Page S6307**

Crapo Amendment No. 3226 (to Amendment No. 3170), of a perfecting nature. **Page S6307**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:45 a.m., on Thursday, June 3, 2004; further, that Graham (SC) Amendment No. 3170 and Crapo Amendment No. 3226 (to Amendment No. 3170) (both listed above), be agreed to, and that Senator Cantwell be recognized to offer an amendment, with a vote on or in relation to the amendment to occur at approximately 2:30 p.m. **Page S6384**

Nominations—Agreement: A unanimous-consent agreement was reached providing that on Thursday, June 3, 2004, following the vote on or in relation to Cantwell amendment to S. 2400 (listed above), Senate will vote on the nominations of Sandra L. Townes, to be United States District Judge for the Eastern District of New York, Kenneth M. Karas, to be United States District Judge for the Southern District of New York, and Judith C. Herrera, to be United States District Judge for the District of New Mexico. **Page S6384**

Messages From the House: **Page S6346**

Measures Referred: **Page S6346**

Enrolled Bills Presented: **Page S6346**

Executive Communications: **Pages S6346–48**

Executive Reports of Committees: **Page S6348**

Additional Cosponsors: **Pages S6348–49**

Statements on Introduced Bills/Resolutions: **Pages S6349–63**

Additional Statements: **Pages S6343–46**

Amendments Submitted: Pages S6363–65

Authority for Committees to Meet: Pages S6365–67

Record Votes: Two record votes were taken today. (Total—106) Page S6323, S6337–38

Adjournment: Senate convened at 9:46 a.m., and adjourned at 6:41 p.m., until 9:45 a.m., on Thursday, June, 3, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S6384–85.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF DEFENSE (IRAQ & AFGHANISTAN)

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Iraq and Afghanistan Contingent Emergency Reserve Fund, after receiving testimony from Joel D. Kaplan, Deputy Director, Office of Management and Budget; Larry J. Lanzillotta, Acting Under Secretary of Defense (Comptroller); and General Peter Pace, USMC, Vice Chairman, Joint Chiefs of Staff.

NATIONAL SECURITY

Committee on Armed Services: Committee met in closed session to receive a briefing on certain national security issues from Condoleezza Rice, National Security Advisor.

SECURITIES INVESTMENT PROTECTION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the role of State securities regulators in protecting investors, focusing on efforts to enforce securities laws, investment adviser registration and licensing, State investigations into mutual fund industry abuses, and investor education programs, after receiving testimony from New Jersey Attorney General Peter C. Harvey, Trenton; Ralph A. Lambiase, Connecticut Department of Banking, Hartford, and Joseph P. Borg, Alabama Securities Commission, Montgomery, both on behalf of the North American Securities Administrators Association; Charles Leven, AARP, Washington, D.C.; and Juanita Periman, Butte, Montana.

FIREFIGHTING AIRCRAFT SAFETY

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the status of fire fighting aircraft, focusing on the respective roles the Federal Aviation Administration, the Forest Service, and the Department of the Interior play in the safety oversight of firefighting operations conducted on behalf of the Forest Service and the Department of the Interior, after receiving testimony from Ellen Engleman Conners, Chairman, National Transportation Safety Board; Nicholas A. Sabatini, Associate Administrator, Regulation and Certification, Federal Aviation Administration, Department of Transportation; Mark E. Rey, Under Secretary of Agriculture for Natural Resources and Environment; Mark Timmons, Neptune Aviation Services, Missoula International Airport, Missoula, Montana; and William W. Grantham, International Air Response Inc., Chandler, Arizona.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Jon D. Leibowitz, of Maryland, who was introduced by Senators Kohl and DeWine, and Deborah P. Majoras, of Virginia, who was introduced by Senator DeWine, each to be a Federal Trade Commissioner, Brett T. Palmer, of New York, to be Assistant Secretary of Commerce for Legislative and Intergovernmental Affairs, Benjamin H. Wu, of Maryland, to be Assistant Secretary of Commerce for Technology Policy, who was introduced by Representative Boehlert, Enrique J. Sosa, of Florida, to be a Member of the Reform Board (Amtrak), and Scott Kevin Walker, of Wisconsin, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation, who was introduced by Representative Paul Ryan, after each nominee testified and answered questions in their own behalf.

GREATER MIDDLE EAST INITIATIVE

Committee on Foreign Relations: Committee concluded a hearing to examine the Administration's proposed Greater Middle East Initiative, focusing on economic, social and political reform in the G8 Broader Middle East and North Africa, after receiving testimony from Alan P. Larson, Under Secretary of State for Economic, Business and Agricultural Affairs; His Royal Highness Prince El Hassan bin Talal of the Hashemite Kingdom of Jordan, Amman, Jordan; Patrick M. Cronin, Center for Strategic and International Studies, Washington, D.C.; and Alan R. Richards, University of California, Santa Cruz.

BUSINESS MEETING

Committee on Governmental Affairs: Committee ordered favorably reported the following business items:

S. 2468, to reform the postal laws of the United States, with an amendment in the nature of a substitute;

S. 346, to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements, with an amendment;

S. 1292, to establish a servitude and emancipation archival research clearinghouse in the National Archives, with an amendment;

S. 2249, to amend the Stewart B. McKinney Homeless Assistance Act to provide for emergency food and shelter;

S. 2322, to amend chapter 90 of title 5, United States Code, to include employees of the District of Columbia courts as participants in long term care insurance for Federal employees;

S. 2351, to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council;

S. 2479, to amend chapter 84 of title 5, United States Code, to provide for Federal employees to make elections to make, modify, and terminate contributions to the Thrift Savings Fund at any time;

H.R. 1303, to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference;

S. 2017 and H.R. 3742, bills to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the ''Luis A. Ferre United States Courthouse and Post Office Building'';

S. 2214, to designate the facility of the United States Postal Service located at 3150 Great Northern Avenue in Missoula, Montana, as the ''Mike Mansfield Post Office'';

S. 2415, to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the ''Robert J. Opinsky Post Office Building'';

H.R. 1822, to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the ''Dosan Ahn Chang Ho Post Office'';

H.R. 2130, to redesignate the facility of the United States Postal Service located at 121 Kinderkamack Road in River Edge, New Jersey, as the ''New Bridge Landing Post Office'';

H.R. 2438, to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the ''Major Henry A. Commiskey, Sr. Post Office Building'';

H.R. 3029 and S. 1596, bills to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the ''S. Truett Cathy Post Office Building'';

H.R. 3059, to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the ''Lloyd L. Burke Post Office'';

H.R. 3068, to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the ''Brigadier General (AUS-Ret.) John H. McLain Post Office'';

H.R. 3234 and S. 1763, bills to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the ''Ben R. Gerow Post Office Building'';

H.R. 3300, to designate the facility of the United States Postal Service located at 15500 Pearl Road in Strongsville, Ohio, as the ''Walter F. Ehrnfelt, Jr. Post Office Building'';

H.R. 3353, to designate the facility of the United States Postal Service located at 525 Main Street in Tarboro, North Carolina, as the ''George Henry White Post Office Building'';

H.R. 3536, to designate the facility of the United States Postal Service located at 210 Main Street in Malden, Illinois, as the ''Army Staff Sgt. Lincoln Hollinsaid Malden Post Office'';

H.R. 3537, to designate the facility of the United States Postal Service located at 185 State Street in Manhattan, Illinois, as the ''Army Pvt. Shawn Pahnke Manhattan Post Office'';

H.R. 3538, to designate the facility of the United States Postal Service located at 201 South Chicago Avenue in Saint Anne, Illinois, as the ''Marine Capt. Ryan Beaupre Saint Anne Post Office'';

H.R. 3690 and S. 2104, bills to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the ''Barber Conable Post Office Building'';

H.R. 3733, to designate the facility of the United States Postal Service located at 410 Huston Street in Altamont, Kansas, as the ''Myron V. George Post Office'';

H.R. 3740 and S. 2153, bills to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the ''Oscar Scott Woody Post Office Building'';

H.R. 3769, to designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the ''Ben Atchley Post Office Building'';

H.R. 3855 and S. 2441, bills to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the ''General John J. Pershing Post Office'';

H.R. 3917 and S. 2255, bills to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the ''Maxine S. Postal United States Post Office'';

H.R. 3939 and S. 2291, bills to redesignate the facility of the United States Postal Service located at 14–24 Abbott Road in Fair Lawn, New Jersey, as the ''Mary Ann Collura Post Office Building'';

H.R. 3942, to redesignate the facility of the United States Postal Service located at 7 Commercial

Boulevard in Middletown, Rhode Island, as the "Rhode Island Veterans Post Office Building";

H.R. 4037 and S. 2442, bills to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the "Richard G. Wilson Processing and Distribution Facility";

H.R. 4176, to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the "Bobby Marshall Gentry Post Office Building";

H.R. 4299, to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the "Dr. Miguel A. Nevarez Post Office Building"; and

The nominations of Albert Casey, of Texas, and James C. Miller III, of Virginia, each to be a Governor of the United States Postal Service, David Safavian, of Michigan, to be Administrator for Federal Procurement Policy, Office of Management and Budget, and Dawn A. Tisdale, of Texas, to be a Commissioner of the Postal Rate Commission.

BUSINESS MEETING

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights and Property Rights approved for full Committee consideration S.J. Res. 4, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

House of Representatives

Chamber Action

Measures Introduced: 18 public bills, H.R. 4477–4494; and 4 resolutions, H. Con. Res. 439–440, and H. Res. 659–660, were introduced.

Page H3719

Additional Cosponsors: **Pages H3719–20**

Reports Filed: No reports were filed today.

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Shaw to act as Speaker Pro Tempore for today. **Page H3607**

Chaplain: The prayer was offered today by Rev. David Lauer, Campus Minister, Lakeland College in Sheboygan, Wisconsin. **Page H3607**

Back to Work Incentive Act—Rule for consideration: The House agreed to H. Res. 656, amended, the rule providing for consideration of H.R. 444, to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work, by a recorded vote of 220 ayes to 196 noes, Roll No. 217, after agreeing to the previous question by a yea-and-nay vote of 214 yeas to 196 nays, Roll No. 215. **Pages H3611–17, H3626, H3627–28**

Agreed to the Pryce of Ohio amendment that makes a technical correction to the resolution by a recorded vote of 320 ayes to 96 noes, Roll No. 216. **Pages H3626–27**

Constitutional amendment regarding continuity of Congress: The House failed to pass H.J. Res. 83, proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives, by a 2/3 yea-and-nay vote of 63 yeas to 353 nays, with 2 voting "present", Roll No. 219. **Pages H3617–26, H3665–81**

Rejected the Lofgren motion to recommit the joint resolution back to the Committee on the Judiciary with instructions by a recorded vote of 194 ayes to 221 noes, Roll No. 218. **Pages H3680–81**

Agreed to H. Res. 657, the rule providing for consideration of the resolution by a recorded vote of 211 ayes to 200 noes, with one voting "present", Roll No. 214, after agreeing to the previous question by a yea-and-nay vote of 215 yeas to 195 nays, Roll No. 213. **Pages H3624–26**

Suspensions: The House agreed to suspend the rules and pass to the following measures:

Recognizing the 60th anniversary of the Allied landing at Normandy during World War II: Debated on Tuesday, June 1, S.J. Res. 28, recognizing the 60th anniversary of the Allied landing at Normandy during World War II, by a 2/3 yea-and-nay vote of 419 yeas with none voting "nays," Roll No. 220; **Page H3682**

Reauthorizing title II of the Higher Education Act: H.R. 4409, to reauthorize title II of the Higher Education Act of 1965; **Pages H3628–38**

Amending title VII of the Higher Education Act of 1965: H.R. 4411, to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education; **Pages H3638–42**

Providing for the conveyance of real property in Ravenna, Ohio: H.R. 3908, to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio; **Pages H3642–43**

Honoring the contributions of women who served on the homefront during World War II: H. Con. Res. 413, honoring the contributions of the women, symbolized by "Rosie the Riveter", who served on the homefront during World War II, by a ⅔ yea-and-nay vote of 417 yeas with none voting "nay", Roll No. 221; **Pages H3643–48, H3682–83**

Simple Tax for Seniors Act: H.R. 4109, amended, to allow seniors with Social Security and pension income to file their income tax returns on a new Form 1040SR without regard to the amount of interest or taxable income of the senior, by a ⅔ yea-and-nay vote of 418 yeas with none voting "nay", Roll No. 222; and **Pages H3648–54, H3683**

Agreed to amend the title so as to read: "to allow seniors to file their Federal income tax on a new Form 1040S." **Page H3649**

Standards Development Organization Advancement Act of 2003: Concur with the Senate amendment to H.R. 1086, to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards—clearing the measure for the President. **Pages H3654–60**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed until Thursday, June 3.

Anabolic Steroid Control Act of 2004: H.R. 3866, amended, to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities; and **Page H3660**

Condemning the actions in Tiananmen Square: H. Res. 655, condemning the crackdown on democracy protestors in Tiananmen Square, Beijing, in the People's Republic of China on the 15th anniversary of that tragic massacre. **Pages H3684–89**

Quorum Calls—Votes: Six yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H3625, H3625–26, H3626, H3626–27, H3627–28, H3680–81, H3681, H3682, H3682–83, H3683. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:30 p.m.

Committee Meetings

REVIEW—FEDERAL AGRICULTURAL MORTGAGE CORPORATION

Committee on Agriculture: Held a hearing to review the Federal Agricultural Mortgage Corporation, Testimony was heard from the following officials of the GAO: Davi M. D'Agostino, Director, Financial Markets and Community Investment; and Jeanette Franzel, Director, Financial Management and Assurance; Nancy C. Pellett, Chairman and Chief Executive Officer, Farm Credit Administration; Gregory Zerzan, Deputy Assistant Secretary, Financial Institutions Policy, Department of the Treasury; and the following officials of the Federal Agricultural Mortgage Corporation: Frederick L. Dailey, Chairman, and Henry D, Edelman, President and Chief Executive Officer.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session and approved for full Committee action the Department of Defense appropriations for fiscal year 2005.

BALANCING NIH'S PRIORITY SETTING PROCESS

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "Scientific Opportunities and Public Needs: Balancing NIH's Priority Setting Process." Testimony was heard from the following officials of the NIH, Department of Health and Human Services: Elias A. Zerhouni, M.D., Director; Anthony S. Fauci, M.D., Director, National Institute of Allergy and Infectious Diseases; Andrew C. von Eschenbach, M.D., Director, National Cancer Institute; and Nora D. Volkow, M.D., Director, National Institute of Drug Abuse.

"ADVANCING THE DTV TRANSITION: AN EXAMINATION OF THE FCC MEDIA BUREAU PROPOSAL"

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled "Advancing the DTV Transition: An Examination of the FCC Media Bureau Proposal." Testimony was heard from W. Kenneth Ferree, Chief, Media Bureau, FCC; and public witnesses.

INVESTING FOR THE FUTURE: 529 STATE TUITION SAVINGS PLANS

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled "Investing for the Future: 529 State Tuition Savings Plans." Testimony was heard from public witnesses.

RIGGS AND UBS—RISK MANAGEMENT AND REGULATORY FAILURES: LESSONS LEARNED

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled "Risk Management and Regulatory Failures at Riggs Bank and UBS: Lessons Learned." Testimony was heard from Daniel Stepano, Deputy Chief Counsel, Office of the Comptroller of the Currency, Department of the Treasury; and Thomas C. Baxter, Jr., General Counsel, and Executive Vice President, Federal Reserve Bank of New York, Federal Reserve System.

OVERSIGHT—NETWORK VULNERABILITIES

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the census held an oversight hearing entitled "Who Might be Lurking at Your Cyber Front Door? Is Your System Really Secure? Strategies and Technologies to Prevent, Detect and Respond to the Growing Threat of Network Vulnerabilities." Testimony was heard from Karen Evans, Administrator, E-Government and Information Technology, OMB; Robert Dacey, Director, Information Security Issues, GAO; Amit Yoran, Director, National Cyber Security Division, Department of Homeland Security; Dawn Meyerriecks, Chief Technology Officer, Defense Information Systems Agency, Department of Defense; Daniel Mehan, Assistant Administrator, Information Services and Chief Information Officer, FAA, Department of Transportation; and public witnesses.

U.S. POLICY IN AFGHANISTAN

Committee on International Relations: Held a hearing on United States Policy in Afghanistan. Testimony was heard from the following officials of the Department of State: William B. Taylor, Coordinator for Afghanistan; James Kunder, Deputy Assistant Administrator, Bureau for Asian and the Near East, U.S. Agency for International Development; and Charlotte Ponticelli, Senior Coordinator, Office of International Women's Issues; and Marybeth Long, Deputy Assistant Secretary, Counternarcotics, Department of Defense.

U.S. POLICY IN EAST ASIA AND THE PACIFIC

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on U.S. Policy in East Asia and the Pacific. Testimony was heard from James A. Kelly, Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State.

CAREERS FOR THE 21st CENTURY

Committee on Small Business: Held a hearing entitled "Careers for the 21st Century: The Importance of Education and Worker Training for Small Business." Testimony was heard from Emily Stover DeRocco, Assistant Secretary, Employment and Training Administration, Department of Labor; and public witnesses.

FASTER AND SMARTER FOR FIRST RESPONDERS ACT

Committee on Transportation and Infrastructure: Ordered reported, as amended, H.R. 3266, Faster and Smarter Funding for First Responders Act of 2004.

ASSESSING THE INTELLIGENCE COMMUNITY'S ANALYTIC CAPABILITIES

Permanent Select Committee on Intelligence: Subcommittee on Human Intelligence, Analysis and Counterintelligence met in executive session to hold a hearing on Assessing the Intelligence Community's Analytic Capabilities. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 3, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the enforcement of the bank secrecy act, enacted in 1970, which authorizes the Secretary of the Treasury to issue regulations requiring that financial institutions keep records and file reports on certain financial transactions, 9:30 a.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Competition, Foreign Commerce, and Infrastructure, to hold hearings to examine the TREAD Act, 2:30 p.m., SR–253.

Committee on the Judiciary: business meeting to consider pending calendar business, 9:30 a.m., SD–226.

Full Committee, to hold hearings to examine the Child Custody Protection Act focusing on the protection of parents' rights and children's lives, 2:30 p.m., SD–226.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies, on FBI Transformation, 1 p.m., 2359 Rayburn.

Subcommittee on the District of Columbia, on District of Columbia Budget, 10 a.m., 2362–A Rayburn.

Subcommittee on Homeland Security, to mark up Department of Homeland Security appropriations for fiscal year 2005, 11 a.m., 2358 Rayburn.

Subcommittee on Interior and Related Agencies, to mark up the Department of Interior and Related Agencies appropriations for fiscal year 2005, 9 a.m., B–308 Rayburn.

Committee on Armed Services, hearing on sexual assault prevention and response in the armed forces, 10 a.m., 2118 Rayburn.

Committee on Energy and Commerce, to consider the following: H.R. 3266, Faster and Smarter Funding for First Responders Act of 2003; and the Satellite Home Viewer Extension and Reauthorization Act, 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, to consider the following bills: H.R. 4363, Helping Hands for Homeownership Act of 2004; H.R. 3916, Presidential $1 Coin Act of 2004; H.R. 3755, Zero Downpayment Act of 2004; H.R. 3574, Stock Option Accounting Reform Act; and H.R. 4471, Home Ownership Opportunities for Native Americans Act of 2004, 10 a.m., 2128 Rayburn.

Committee on Government Reform, to consider the following: H.R. 3826, Program Assessment and Results Act; H.R. 4222, to designate the facility of the United States Postal Service located at 550 Nebraska Avenue in Kansas City, Kansas, as the "Newell George Post Office Building;" H. Con. Res. 257, Expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery; and H. Res. 653, Honoring former President George Herbert Walker Bush on the occasion of his 80th birthday; followed by a hearing entitled "The Supersizing of America: The Federal Government's Role in Combating Obesity and Promoting Healthy Living," 10 a.m., 2154 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on the Operations of the U.S. Copyright Office, 1 p.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, to mark up H.R. 4453, Access to Rural Physicians Improvement Act of 2004, 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up the following bills: S. 1814, To transfer federal lands between the Secretary of Agriculture and the Secretary of the Interior; H.R. 3479, Brown Tree Snake Control and Eradication Act of 2003; and H.R. 4027, To authorize the Secretary of Commerce to make available to the University of Miami property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration on Virginia Key, Florida, for use by the University for a Marine Life Science Center, 10 a.m., 1324 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, oversight hearing on The Financial Condition of the Airline Industry, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Human Intelligence, Analysis and Counterintelligence, executive, hearing on Counterintelligence: Iran, 10 a.m., H–405 Capitol.

Subcommittee on Terrorism and Homeland Security, executive, briefing on Global Terrorism Update, 9 a.m., H–405 Capitol.

Select Committee on Homeland Security, hearing entitled "Towards A National Biodefense Strategy," 1 p.m., 2318 Rayburn.

Next Meeting of the **SENATE**

9:45 a.m., Thursday, June 3

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond a period of 60 minutes), Senate will continue consideration of S. 2400, Department of Defense Authorization Act, with a vote to occur at approximately 2:30 p.m., on or in relation to Cantwell Amendment, followed by three consecutive votes on certain judicial nominations.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, June 3

House Chamber

Program for Thursday: Rolled votes on Suspensions debated on Wednesday, June 2:

H.R. 3866, Anabolic Steroid Control Act of 2004; and

H. Res. 655, condemning the crackdown on democracy protestors in Tiananmen Square, Beijing, in the People's Republic of China on the 15th anniversary of that tragic massacre.

Consideration of H.R. 444, Back to Work Incentive Act of 2003 (closed rule, one hour of debate).

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